

**FLINTSHIRE COUNTY COUNCIL**

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

**DATE:** **7<sup>TH</sup> SEPTEMBER 2016**

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

**SUBJECT:** **APPEAL BY MR. ROBERT NIXON AGAINST THE DECISION OF FLINTSHIRE COUNTY COUNCIL TO REFUSE PLANNING PERMISSION FOR ERECTION OF AN EXTENSION TO PROVIDE ADDITIONAL ACCOMMODATION AT FIRST FLOOR LEVEL AT ARDEN LEA, WHITFORD ROAD, WHITFORD – DISMISSED.**

**1.00 APPLICATION NUMBER**

1.01 054328

**2.00 APPLICANT**

2.01 Mr. Robert Nixon

**3.00 SITE**

3.01 Arden Lea,  
Whitford Road, Whitford.

**4.00 APPLICATION VALID DATE**

4.01 14<sup>th</sup> September 2015

**5.00 PURPOSE OF REPORT**

5.01 To inform members of the Inspectors decision in relation to an appeal into the decision to refuse an application for erection of extension to provide additional accommodation at first floor level at Arden Lea, Whitford Road, Whitford. The application was refused under delegated powers with the appeal dealt with by way of an Informal Hearing, and was **DISMISSED**.

## **6.00 REPORT**

- 6.01 The appeal property is a single storey dwelling which has been extended in an elongated series of extensions to the rear of the site. To the side front elevation there is a garage and linked structure. The front elevation is a double fronted bay under a pitched roof projection. The main roof is a pyramid style apex leading to a pitched roof extension and then a flat roof addition.
- 6.02 The proposal seeks to extend the dwelling upwards by adding an additional floor and a hipped roof on top. There would be a two storey front side extension and a single storey garage and a two storey pitched roof rear extension.
- 6.03 The Council had calculated that the floor area increase above the existing dwelling would be around 94%. The appellant indicated that it would be nearer 83% increase as an existing conservatory had not been added to the calculation. The guide figure in policy HSG12 of the Flintshire Unitary Development Plan (UDP) is no more than 50% increase over the original floor area.
- 6.04 In the Inspectors opinion the proposal would leave very little of the identity of the existing dwelling intact such that the existing dwelling would not be recognisable in its form and appearance. It would not be a subsidiary feature nor would it respect the design and setting of the existing dwelling. It would be clearly contrary to UDP policy HSG12.
- 6.05 The Inspector noted the appellant's contention that there is a variety of house styles and scale in the area but the character of the existing dwelling would fundamentally change from a single storey to a two storey dwelling. The Inspector did not consider that the mix of house types found in the area provided a justification to change the existing dwelling so radically and to its overall detriment.
- 6.06 The Inspector therefore concurred with the Council that the proposal would harm the character and appearance of the dwelling and the surrounding area in conflict with UDP policies HSG12 and GEN1.
- 6.07 The appellant's daughter has a serious medical condition and as a consequence of this requires privacy and access to an ensuite bathroom which is separate from the remainder of the family. The present accommodation is inadequate for the collective needs of the family and the specific needs of the Appellants daughter.
- 6.08 The Inspector recognised that the best interests of the child and the need to safeguard and promote their well-being and welfare is a primary consideration in all actions by public authorities concerning children. The Inspector attached significant weight to the appellants daughters needs but concluded that there was no compelling evidence presented that the refusal of this appeal of this particular

scale of proposal would deny them the opportunity to provide for their collective needs. There are alternatives to the scale of development or that consideration has been given to find properties that suit their collective needs.

## **7.00 CONCLUSION**

- 7.01 The Inspector noted that whilst dismissing the appeal would interfere with the appellant's rights it would not result in the daughter being made homeless or deprive her of care and welfare. He therefore concluded that the material considerations in favour of the proposal do not collectively and individually outweigh the legitimate aim of planning policy to protect the character of the rural area and to ensure that the scale of extensions are subsidiary to the existing dwelling. In his view a refusal of permission would be proportionate and necessary and would not unacceptably violate the family's rights. The protection of the public interest cannot be achieved by means that are less interfering and the planning balance is therefore against allowing this appeal. Consequently and having considered all other matters raised, the Planning Inspector concluded that the appeal should be **DISMISSED**.

### **LIST OF BACKGROUND DOCUMENTS**

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

<b>Contact Officer:</b>	<b>James Beattie</b>
<b>Telephone:</b>	<b>(01352) 703262</b>
<b>Email:</b>	<b><a href="mailto:james.beattie@flintshire.gov.uk">james.beattie@flintshire.gov.uk</a></b>