

FLINTSHIRE COUNTY COUNCIL

REPORT TO: **PLANNING COMMITTEE**

DATE: **7TH JUNE 2017**

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

SUBJECT: **APPEAL BY BROOMCO (3857) LIMITED AGAINST
THE DECISION OF FLINTSHIRE COUNTY COUNCIL
TO REFUSE PLANNING PERMISSION FOR THE
AMENDED DETAILS OF DWELLING TO PLOT 3 AT
BRYN LLWYD YARD, NORTH STREET, CAERWYS
– ALLOWED.**

1.00 APPLICATION NUMBER

1.01 055725

2.00 APPLICANT

2.01 Broomco (3857) Limited.

3.00 SITE

3.01 Bryn Llwyd Yard,
North Street, Caerwys.

4.00 APPLICATION VALID DATE

4.01 25th July 2016.

5.00 PURPOSE OF REPORT

5.01 To inform Members of the outcome of an appeal against the refusal of planning permission for the amended details of a dwelling proposed on plot 3 of a development at Bryn Llwyd Yard, Caerwys. The application was refused by the Planning & Development Control Committee on 14th December 2016, contrary to Officer recommendation. The appeal was dealt with by written representations and the Inspector was Clive Sproule. The appeal was **ALLOWED**.

6.00 REPORT

- 6.01 The Inspector considered that the main issue in respect of the changes proposed to the siting/rear elevational treatment of the dwelling proposed on plot 3, is the effect of the development on the living conditions of the occupiers of the adjacent property Ar Tro, in relation to visual impact and loss of privacy.
- 6.02 The Inspector noted that plot 3 sits within a housing development where the other dwellings are at an advanced stage of construction and development on plot 3 has commenced. There is an issue regarding the location of the boundary with Ar Tro, although the Inspector indicates that the decision covers the appeal in relation to the proposed development, and takes no view on the matter of the boundary dispute.
- 6.03 The Inspector notes that the foundations for the dwelling on plot 3 have been developed 2.2 m closer to the hedge line with Ar Tro than originally approved through planning permission ref: 052760 such that the length of the rear garden at plot 3 would be less than the standard 11 m which is noted to be sought by Local Planning Guidance Note 2 – Space Around Dwellings. The Inspector also notes that the appeal site is located within a part of the village where historic patterns are evident, and the proposed layout of plot 3 and the associated development would reflect these to preserve both the character and appearance of the Conservation Area and the locality.
- 6.04 The Inspector draws reference to the Council Officers report on the proposal, noting that the appeal scheme critically proposed obscure glazed first floor windows in the rear elevation of the house on Plot 3, along with rooflight windows. These windows would serve two first floor bedrooms and the obscure glazing was to prevent overlooking of the rear garden at Ar Tro. It is now proposed to use clear glazed high level windows for these first floor rooms. This would provide improved living conditions for occupiers of the rooms in comparison to obscure glazed windows by enabling some aspect to be achieved out of the openings.
- 6.05 The Inspector considers that the rear amenity space at Ar Tro is already overlooked from the first floor windows of a number of dwellings on Holywell Road. He also notes that the current proposal would increase the perception of potential overlooking at Ar Tro, however this is a residential environment where a certain degree of overlooking can reasonably be expected to occur.
- 6.06 The Inspector comments that high level windows would prevent views being taken towards the amenity space at Ar Tro during normal use of the proposed first floor rooms. The exception to this would be if someone tall enough were to stand at the window, but such occasions reasonably would be expected to be rare. Accordingly, the living conditions of people using the amenity space at the rear of Ar Tro would be protected from unacceptable levels of overlooking and

resultant loss of privacy.

- 6.07 The Inspector also goes on to advise that Plot 3 has an orientation that is (to the north of and) perpendicular to the rear garden at Ar Tro, which is of considerable length. As such, the principal aspect from the rear of Ar Tro looks eastward past Plot 3 toward existing development and amenity space. Holywell Road forms the southern boundary of Ar Tro and views from the garden include existing two storey dwellings on the southern side of Holywell Road. The positioning of the proposed dwelling on Plot 3 would add to the perception of built form around the garden at Ar Tro.
- 6.08 However, within the context of the scale and position of: the proposal, the rear garden of Ar Tro and the existing development on Holywell Road, the Inspector concludes it is not apparent why the proposed positioning of the dwelling on Plot 3 would result in an overly dominant structure. Given the characteristic circumstances of the garden at Ar Tro and the aspects that would remain achievable from it (and the house), the two storey dwelling on Plot 3 would not be of such a scale, that it would be likely to be overly dominant and unacceptably harmful to the living conditions of the occupants of Ar Tro.
- 6.09 In commenting on other matters, the Inspector advises that in relation to the total area of amenity space that would be provided, the width of the proposed rear garden of Plot 3 would adequately compensate the reduced depth of amenity space. In addition the Inspector notes that the Council's reason for refusal raised no concerns about the location of a ground floor window in the front elevation of the dwelling on Plot 2 that would look toward the gable wall of Plot 3. Evidence indicates this window to serve a non-habitable room, and in any event, the proposed siting of Plot 3 would appear to result in little change to the relationship between the Plot 2 window and the approved position of the gable wall on Plot 3. Accordingly, it is not apparent that the appeal scheme would cause harm to the living conditions of the occupiers of Plot 2.
- 6.10 In addition, the Inspector advises that there is no Highway Authority objection to this proposal, or evidence that demonstrates within the context of development under way to implement planning permission 052760 that the proposed positioning at Plot 3 would cause there to be inadequate access and parking.

7.00 CONCLUSION

- 7.01 For the reasons given above, and having regard to all other matters raised, the Inspector concluded that the appeal should be **ALLOWED**. The decision however is subject to a number of conditions reflecting those previously imposed on planning permission 052760 together with the details of the roof light window and a scheme for the provision of high level windows that sets the sill

height at a minimum 1.7 m above the internal finished floor level of the rooms.

LIST OF BACKGROUND DOCUMENTS

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

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