

FLINTSHIRE COUNTY COUNCIL

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

DATE: **20th JUNE 2012**

REPORT BY: **HEAD OF PLANNING**

SUBJECT: **Appeal by Mr Noel Jones against Flintshire County Council for failure to give notice, within the prescribed period of a decision on an application to grant consent, agreement or approval to details required by a condition of a planning permission at Ael y Bryn, Carmel Road, Carmel**

1.00 APPLICATION NUMBER

1.01 **048347**

2.00 APPLICANT

2.01 **MR N JONES**

3.00 SITE

3.01 **AEL Y BRYN, CARMEL ROAD, CARMEL, FLINTSHIRE CH8 8QP**

4.00 APPLICATION VALID DATE

4.01 **8/ 3/2011**

5.00 PURPOSE OF REPORT

5.01

To inform Members of the appeal decision, following the non-determination of against Flintshire County Council for failure to give notice, within the prescribed period of a decision on an application to grant consent, agreement or approval to details required by a condition of a planning permission at Ael y Bryn, Carmel Road, Carmel. The appeal was considered by written representations and was ALLOWED and the reserved matters approved with conditions.

6.00 REPORT

6.01 Procedural matters

The Inspector noted that the Council limited their objections to the scale, massing and appearance of the proposed dwelling. As such the Inspector considered the other reserved matters not to be in dispute.

For the avoidance of doubt the Inspector based his decision on the set of plans dated January 2012.

6.02 The Inspector considered the main issue in this case to be the effect of the development on the character and appearance of the area.

6.03 The Inspector details the site and relationship to the neighbouring property Ael y Bryn. He comments that the Council failed to come to a decision on the present scheme about the scale, massing and appearance of the proposed dwelling but have explained that their original concerns about the scale, massing and appearance of the proposed dwelling appeared capable of being resolved as a result of revised drawings which the appellant submitted. However the appellant explained that it did not prove possible for him to modify the scheme in the way he had hoped.

The Inspector noted that the previous Inspector concluded that a dwelling, even of two storeys, would not be an incongruous part of the street scape. The Inspector considered that the building proposed would be prominent in views along Carmel Road and would alter the aspect form Celyn Park; he had no reason to fundamentally disagree with this analysis. Since the outline permission did not specify that the dwelling proposed should be restricted to single storey, it follows that the principle of a building of same scale has already been accepted.

The Inspector notes that the details show excavations providing a full basement level, a ground floor and first floor accommodation in the roofspace, with the ridge height 400mm above Ael y Bryn. He accepted that the scheme would not be an entirely harmonious addition especially from Celyn Park, where the dormer style properties largely reflect the topography of the area.

The Inspector accepted the proposal would not achieve the same effect, but did not consider that any significant harm arises from the scale or mass of the proposed dwelling.

The Inspector notes the conditions submitted by the Council but does not consider all to be necessary. However the Inspector has imposed conditions relating to landscaping and the need for proper sight lines to be provided for and maintained. He also imposed conditions in

regard to materials and site levels. A full list of the conditions imposed is attached as Appendix 1.

7.00 CONCLUSION

7.01 The Inspector concluded that the scheme broadly complies with the Unitary Development Plan policies STR1, GEN1, HSG3 and D2 and that the appeal should be allowed. The Inspector noted that objections had been made from some residents, but also noted that concerns regarding parking, traffic and possible loss of privacy were addressed by the earlier Inspector.

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APPENDIX 1

LIST OF CONDITIONS

1. Notwithstanding the details shown on the submitted plans, the development shall not begin until details of the sight lines between the site and the highway, together with the gradient of the access, have been submitted to, and approved in writing by, the Local Planning Authority. The dwelling shall not be occupied until the access has been constructed in accordance with the approved details.
2. No structure or erection exceeding 0.9 metres in height shall be placed within the sight lines referred to in Condition 1.
3. Notwithstanding the details shown on the submitted plans, no development shall take place until full details of both hard and soft landscape works have been submitted to, and approved in writing by, the Local Planning Authority, and these works shall be carried out as approved. These details shall include all existing and proposed trees and hedgerows and the means of enclosure.
4. No development shall take place until details of the proposed excavation works have been submitted to, and approved in writing by, the Local Planning Authority. These details shall include the levels and contours to be formed, showing their relationship to existing vegetation and surrounding landform. Development shall be carried out in accordance with the approved details.
5. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the building or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written approval to any variation.
6. No development shall take place until details of the materials to be used in the construction of the external surfaces of the building have been submitted to, and approved in writing by, the Local Planning Authority. Development shall be carried out in accordance with the approved details.