

**FLINTSHIRE COUNTY COUNCIL**

**REPORT TO:** PLANNING COMMITTEE

**DATE:** 3<sup>rd</sup> March 2021

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

**SUBJECT:** HOUSEHOLDER APPLICATION FOR A REAR EXTENSION AND SIDE EXTENSION.

**APPLICATION NUMBER:** 061817

**APPLICANT:** MR MAKARUK

**SITE:** 17 OVERLEIGH DRIVE, BUCKLEY

**APPLICATION VALID DATE:** 24.09.2020

**LOCAL MEMBERS:** CLLR CAROL ELLIS

**TOWN/COMMUNITY COUNCIL:** BUCKLEY TOWN COUNCIL

**REASON FOR COMMITTEE:** REQUESTED BY LOCAL MEMBER DUE TO CONCERNS ABOUT THE OVERBEARING IMPACT OF THE EXTENSION ON NEARBY RESIDENTS

**SITE VISIT:** REQUESTED BY LOCAL MEMBER DUE TO CONCERNS ABOUT THE OVERBEAIRNG IMPACT OF THE EXTENSION ON NEARBY REISDENTIS

**1.00 SUMMARY**

1.01 This is a retrospective planning application which seeks permission for a rear extension, a side extension to create a porch and alterations to the windows & doors on the front previously approved extension.

**2.00 RECOMMENDATION: TO GRANT PLANNING PERMISSION, SUBJECT TO THE FOLLOWING :-**

Conditions:

1. In accordance with the approved plans.
2. Notwithstanding the details shown upon the approved plans the bathroom window and ensuite window shall be obscure glazed in accordance with details to be submitted agreed and implemented within 3 months of the date of this permission.

**3.00 CONSULTATIONS**

3.01 Local Member Councillor Ellis

To go to committee, concerns raised by other members and the public overbearing impacts on nearby residents.

The Officer planning appraisal for the original application 053265 is flawed by the omission of important relevant information.

A front door introduced under application 053265 has subsequently been removed, no external escape route now exists at the front of the property.

Buckley Town Council

No Objections

Highway Development Control

No objections to the proposal and no recommendation on highway grounds.

Community and Business Protection

No adverse comments to make regarding this proposal

**4.00 PUBLICITY**

4.01 Neighbour Notification

1 Neighbour notification received raising the following issues;

- No consultation received for the planning application 053265 in 2015.
- Had been advised that an application to the frontage of their property would not be likely to be supported however the application approved a front extension
- Privacy issues over the bedroom window approved under 053265.

- I am of the understanding that another window has been planned opposite my bedroom window, albeit a bathroom window.
- The rear extension was erected in July 2020 and now a flat roof has been requested, but protruding outwards 4 metres plus, when on the original plans it was just 3.2 metres inside, and the height of the new structure is also open to debate.
- If these plans get approval it will more than double the size of the floor area of the original building. It is well above what I believe to be the permitted area percentage.
- The front extension granted under permission has recently been altered, the door has been removed and windows altered.

## **5.00 SITE HISTORY**

### **5.01 034340**

Two storey rear extension  
Refused 30.09.2002

### **035614**

Rear extension and alterations to roof to form additional accommodation within roofspace  
Approved 26.06.2003

### **053265**

Erection of single storey extensions to front and side of dwelling  
Approved 14.04.2015

## **6.00 PLANNING POLICIES**

### **6.01 Flintshire Unitary Development Plan**

HSG12 House extensions and alterations  
GEN1 General requirements for development  
GEN2 Development inside settlement boundaries  
D1 Design quality, location and layout  
D2 design

SPGN No1. Extensions and Alterations to Dwellings  
SPGN No2. Space Around Dwellings

### **6.02 National:**

Planning Policy Wales Edition 10 December 2018  
Technical Advice Note TAN 12 :Design (2016)

## **7.00 PLANNING APPRAISAL**

### **7.01 Site description**

The application site is located within the settlement boundary of Buckley and comprises a detached bungalow of brick construction under a tiled roof. There is a driveway to the front and side of the property accommodating off road parking together with a front and a large rear garden providing amenity space.

- 7.02 The application is a retrospective application to regularise works following the receipt of an enforcement complaint and an investigation. The works undertaken have created a single storey extension to the rear of the dwelling. The rear extension projects from the rear elevation of the dwelling by 4m having and has a width of approximately 8m to match the existing dwelling. The roof is a flat with a raised roof lantern. This proposal also includes a small side extension to create a porch and some alterations to the doors and windows on the previously approved front extension.

### **Background**

- 7.03 Planning permission was granted under delegated powers reference 053265 on 14.04.2015 for a front and rear extension. The application which was approved was for a front extension which was completed in 2015 and a rear extension. The rear extension as approved projected from the rear of the property by 3.5m with a pitched roof measuring approximately 5.6m to the ridge. The front extension was implemented as approved but the rear extension was not implemented.

- 7.04 The front extension approved in 2015 was to provide a front porch and dining area. There have been some alterations to the internal layout and this area is now proposed to become a bedroom with ensuite. These internal re-arrangements do not require planning permission.

- 7.05 The front entrance has been removed and the large window to the front has been replaced with two smaller windows and the window to the side will now be obscurely glazed. These alterations did not require planning permission.

- 7.06 The plans approved in 2015 show 3 windows along the side of the property closest to No 16. These windows were serving a bathroom, bedroom and a dining area. The new plans accompanying the current application indicate the 3 windows will be serving a bedroom and ensuite. Therefore two of these windows will be obscurely glazed. The material difference between that which was approved and that whilst is proposed is a reduction in windows to habitable rooms from 2NO. (to a bedroom and dining room) to 1No. (to a bedroom).

7.07 A side extension, measuring 1.5m in width by 3m in length has been created to provide a porch. A door is proposed to the front elevation. This has been built in brick to match the existing property and along with the rear extension forms part of application 061817.

7.08 Main Issues

It is considered the main issues within the determination of this application are:

1. the effects upon the character and appearance of the building and surrounding area; and
2. the effects upon the living conditions of the occupiers of existing adjacent dwellings.

7.09 Character and Appearance.

Although the development is larger than the previously approved plans, in terms of character and appearance, the proposal respects the design of the bungalow and surroundings. Although the lantern style roof is a more modern feature, these are commonly used throughout settings such as this and do appear out of character with in the bungalow. The development also utilises materials which match the existing dwelling.

7.10 The neighbouring property No. 16 has a similar style rear extension with a flat roof. It is therefore considered that the proposal respects the existing dwelling and character of the surrounding area.

7.11 In terms of scale the proposal will retain adequate amenity area once built. It is considered that the works are subordinate in scale and will not be deemed as overdevelopment of the site.

7.12 The extensions approved under the previous planning application (Reference 053265) amounted to an increase in the size of the original dwelling by approximately 59%. The extensions subject of this application amounts to an overall increase of size of the original dwelling by approximately 78%. Although this is over the 50% general guideline which has been expressed within the reasoned justification of Policy HSG12 and within SPGN No2 Space about Dwellings, it is not considered that the extensions are out of scale and character. This is because the proposals are similar in scale and character to other dwellings in Overleigh Drive as can be seen on the location plan and that the large plot and position of the rear extension has not breached the 45 degree guideline which is used to help officers consider whether an extension has an unacceptable impact on people living nearby. This matter is examined in more detail below.

7.13 Living Conditions

The proposal includes a single storey extension with a flat roof, the rear garden is bound by close boarded timber fencing.

- 7.14 The rear extension does not project past the 45 degree line as set out in SPG1. Although there is a slight infringement with the 25 degree measurement to the eaves of the proposed extension, the proposal is a flat roof single storey extension and it is considered that its vertical emphasis is not significant and would not adversely affect the living conditions of the adjacent properties.
- 7.15 Whilst the front extension has been altered slightly from what was previously approved, the door has been removed and a large window replaced with two smaller windows, these do not cause any overlooking issues. The window that was serving a dining room will now be serving an ensuite and therefore will be obscurely glazed, which will have less of an impact than the previously approved plans.
- 7.16 Concerns have been raised regarding the proposed bathroom window. I have placed a condition on this approval so that the bathroom and ensuite windows will be of obscure glazed, non opening which will be retained in perpetuity
- 7.17 SPGN No 2 states that the private amenity space required for a three bedroom dwelling is 70m<sup>2</sup>. The private amenity space retained following these proposals exceeds this, retaining approximately 125m<sup>2</sup>.
- 7.18 I do not therefore consider that the proposal will have a negative impact on the neighbouring properties and am satisfied therefore that the proposals comply with the criteria contained with policy HSG12.
- 7.19 Other Matters  
A third party has raised issues in response to consultation which I address in turn below.
- i) No consultation was received for the planning application 053265 - Our records confirm that consultations were sent out.
  - ii) Concerns have also been expressed that a bedroom window was inserted opposite an existing bedroom window without any notification - This window formed part of the planning application 053265 and again, our records show consultations were sent out. There is no complaint recorded about the works which were completed several years ago in reference to planning permission 053265 which was approved 6 years ago which would have allowed the Council to address this matter at the relevant time. This is not a matter which attracts significant weight in the overall planning balance when determining the current application.

- iii) The application is retrospective as the owner has not built in accordance with the approved plans. - The Development Management Manual is clear that the retrospective nature of a planning application is not a matter weighing against a recommendation for approval. Planning legislation clearly allows an applicant to regularise works, as has occurred in this event.
- iv) Comments have been made that a neighbour was advised that a similar style front extension would not be likely to be supported on the neighbouring property - No application has been submitted by any third party for consideration so this is speculation.
- v) Cllr Ellis has expressed concern that the development does not provide an adequate emergency escape - This provision would be regulated by the Building Regulations. When legislation provision exists elsewhere, a planning application should not seek to replicate those controls and therefore this is a matter which can only be attributed the most minor of weight in the planning balance.
- vi) The officer planning appraisal for the original application 053265 is flawed by the omission of important relevant information - if there is an error in the report relating to a decision approved in 2015, this is something that cannot be rectified through the current application. It is re-emphasised that this matter was not raised by the third party at any time prior to the submission of this application.

7.20 These matters, when considered either in isolation or in combination, do not serve to weigh against my consideration of the merits of this application and I recommend accordingly.

## **8.00 CONCLUSION**

The extension and alteration of the property in the manner proposed is considered to be of appropriate form and scale relative to the existing bungalow and existing development at this location. The proposal is considered to be reflective of the character of the existing property in form and design. It is my view that there is no detrimental impact on the living conditions of occupiers of existing properties from overlooking or overshadowing and is acceptable having regard to policies GEN1, HSG12 and D2 of the Flintshire Unitary Development Plan, and Supplementary Planning Guidance Notes 1 and 2.

### **8.01 Other Considerations**

The Council has had due regard to its duty under Section 17 of the Crime and Disorder Act 1998 and considered that there would be no significant or unacceptable increase in crime and disorder as a result of the recommended decision.

- 8.02 The Council has acted in accordance with the Human Rights Act 1998 including Article 8 of the Convention and in a manner which is necessary in a democratic society in furtherance of the legitimate aims of the Act and the Convention.
- 8.03 The Council has had due regard to its public sector equality duty under the Equality Act 2010.
- 8.04 The Council has had due regard to its duty under Section 3 of the Wellbeing of Future Generations (Wales) Act 2015 and considered that there would be no significant or unacceptable impact upon the achievement of wellbeing objectives as a result of the recommended decision.

#### **LIST OF BACKGROUND DOCUMENTS**

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

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