

**FLINTSHIRE COUNTY COUNCIL**

**REPORT TO:** **PLANNING COMMITTEE**

**DATE:** **21<sup>ST</sup> JUNE 2023**

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

**SUBJECT:** **GARDEN DECKING AREA (RETROSPECTIVE)**

**APPLICATION NUMBER:** **FUL/000186/22**

**APPLICANT:** **MR. PAUL JONES**

**SITE:** **HIGH CROFT, CILCAIN ROAD, PANTYMWYN, YR WYDDGRUG, CH7 5EH**

**APPLICATION VALID DATE:** **10<sup>TH</sup> NOVEMBER 2022**

**LOCAL MEMBERS:** **COUNCILLOR MS. A J DAVIES-COOKE**  
**COUNCILLOR D COGGINS COGAN**

**TOWN/COMMUNITY COUNCIL:** **GWERNAFFIELD COMMUNITY COUNCIL**

**REASON FOR COMMITTEE:** **AT LOCAL MEMBER REQUEST ON THE BASIS THAT THE PROPOSAL HAS ADVERSE IMPACTS UPON THE RESIDENTIAL AMENITY OF EXISTING ADJACENT NEIGHBOURS**

**SITE VISIT:** **YES**

**1.00 SUMMARY**

1.01 This application is submitted in retrospect and seeks permission for the construction of an external decking seating area within the rear garden space at High Croft, Cilcain Road, Pantymwyn, Flintshire.

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

2.01 Conditions

1. In accordance with approved plans and particulars.

### **3.00 CONSULTATIONS**

3.01 **Cllr Adele Davies-Cooke (Local Member)**: Requests committee determination and site visit. Considers that the development causes harm to the existing residential amenities of adjacent occupiers.

**Cllr. D. Coggins Cogan (Local Member)**: No response at time of writing.

**Gwernaffield Community Council**: Objects to the proposals as it is considered that the balcony which extends from the summer house overlooks the neighbours on the right side and as such impacts on their privacy.

**Community & Business Protection**: No response at time of writing

### **4.00 PUBLICITY**

4.01 Four Neighbour Notification letters were sent to adjoining properties. One objection was received on the following grounds:

1. overlooking with consequent impacts upon amenity and living conditions

### **5.00 SITE HISTORY**

5.01 **51673** – Demolition of existing dwelling and erection of replacement dwelling and detached garage – Refused 10.4.2014

**52141** – Demolition of an existing single storey dwelling and erection of a dormer bungalow and detached garage to rear – Approved 4.7.2014

**53495** – Application for the approval of details reserved by condition 3 to planning permission ref: 052141 – Refused 2.12.2015

**54234** – Non-material amendment to planning permission ref: 52141 – Approved 15.9.2015

**56480** – Retention of dwelling and outbuilding – Approved 12.7.2017

**61362** – Application for approval of details reserved by condition no 3 to Planning Permission ref: 052141 – Refused 22.4.2022

### **6.00 PLANNING POLICIES**

6.01 Flintshire Local Development Plan  
PC1 - The Relationship of Development to Settlement Boundaries  
PC2 - General Requirement for Development

PC3 - Design

Supplementary Planning Guidance  
SPGN No 2. - Space Around Dwellings

National Planning Policy  
Planning Policy Wales 11th edition (2021)  
Future Wales: The National Plan 2040 (FWP 2040)

## **7.00 PLANNING APPRAISAL**

### **7.01 The Site & Surroundings**

The site is located within the settlement boundary of Pantymwyn as defined within the Flintshire Local Development Plan. The site comprises the detached 2 storey dwelling, High Croft, and its residential curtilage. The site fronts Cilcain Road to the south and abuts an area of open countryside to the north. Existing adjacent dwellings and their curtilages are located to the east and west of the site. The area is characterised by a mix of single and two storey dwellings. The site topography is such that site level rise steadily from the boundary of the site with Cilcain Road, in a northerly direction. The site is reflective of the surrounding area and abutting land in this regard.

### **7.02 The Proposals**

The decking area which is the subject of this application is located to the rear of the existing dwelling on an area of the garden which rises up from the level upon which the dwelling is sited. Associated with the decking area is a summer house but Members should note that this does not form part of this application.

### **7.03 The Main Issues**

The main issues for consideration in this matter are;

- The principle of development having regard to the Development Plan;
- Impacts of Permitted Development Rights (General Permitted Development Order Wales 2013); and
- Impacts upon existing adjacent living conditions

### **7.04 The Principle of Development**

The proposed development is located within the settlement boundary of Pantymwyn. Policy PC1 states that development will normally be permitted within settlement boundaries.

7.05 Policy PC2 and PC3 indicate that development should harmonise with or enhance the character, local distinctiveness and appearance of the site. Given the above context whereby national and local policy

confirms that the application site is in an appropriate location for such development.

7.06 Impacts of Permitted Development Rights

Members are aware that the Town and Country Planning (General Permitted Development) (Amendment) (Wales) Order 2013 sets out provisions for a wide range of development which may be undertaken without the need for planning permission, subject to identified criteria or conditions being met. Class E to Part 1 of the Schedule to the Order addresses development relating to, inter alia, the erection of buildings, enclosures and raised platforms.

7.07 Having regard to these provisions, it is clear that the whole of the deck, with the exception of a strip some 0.5m wide across the deck frontage would be permitted development by virtue of the fact that the height of the deck does not exceed 0.3m above the level of the ground upon which it is erected.

7.08 Accordingly, the only aspect of the deck and associated summer house to which this application relates is that 0.5m strip at the southerly edge of the deck (facing towards the dwelling).

7.09 Impacts upon Living Conditions

Representation has been made to the extent that the deck affords an opportunity for a degree of overlooking which is detrimental to the residential amenity and living conditions of adjacent residents.

7.10 Members will note that the location of the deck is such that overlooking to the west (Kiln Lodge) is not possible due the fact that an adjacent garage impedes direct visibility between the sites. Visibility to the east (Hill Green) is impeded by a significant evergreen hedge screen which has been plant along the length of the common boundary. As such, there is no direct intervisibility of or from the deck. It is noted that the distance between the deck and the rear of Hill Green is of the order of 20m. This coupled with the fact that the only windows in the rear elevation serve a kitchen and a bathroom, both of which are not habitable rooms. This degree of separation, coupled with the arrangement of living space internal to the dwelling, is such that adverse impacts upon living conditions are unlikely to arise, notwithstanding the presence of the vegetation screening along the boundary.

7.11 Regard should also be had to the character of rear garden areas in the vicinity of the site. Rear gardens are sloping and a number of the dwellings along the northerly edge of Cilcain Road have rear garden ancillary buildings and seating areas similar to that of which this garden deck is part. Accordingly, the proposals are not considered to be out of character or appearance of the surroundings.

## **8.00 CONCLUSION**

- 8.01 It is considered that the small area of decking which requires planning permission does not give rise to any adverse impacts upon either adjacent living conditions or the character and appearance of the surrounding area. Measures designed to limit the potential for impact upon neighbouring living conditions are already in place and therefore, It is considered that the proposal complies with policies PC1, PC2 and PC3 of the Flintshire Local Development Plan
- 8.02 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.
- 8.03 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.
- 8.04 The Council has had due regard to its public sector equality duty under the Equality Act 2010.
- 8.05 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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