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Heading:

45/2014/0193/PF  
21 Staley Park Avenue  
Rhyl

4

 Application Site



Date 29/4/2014

Scale 1/1250

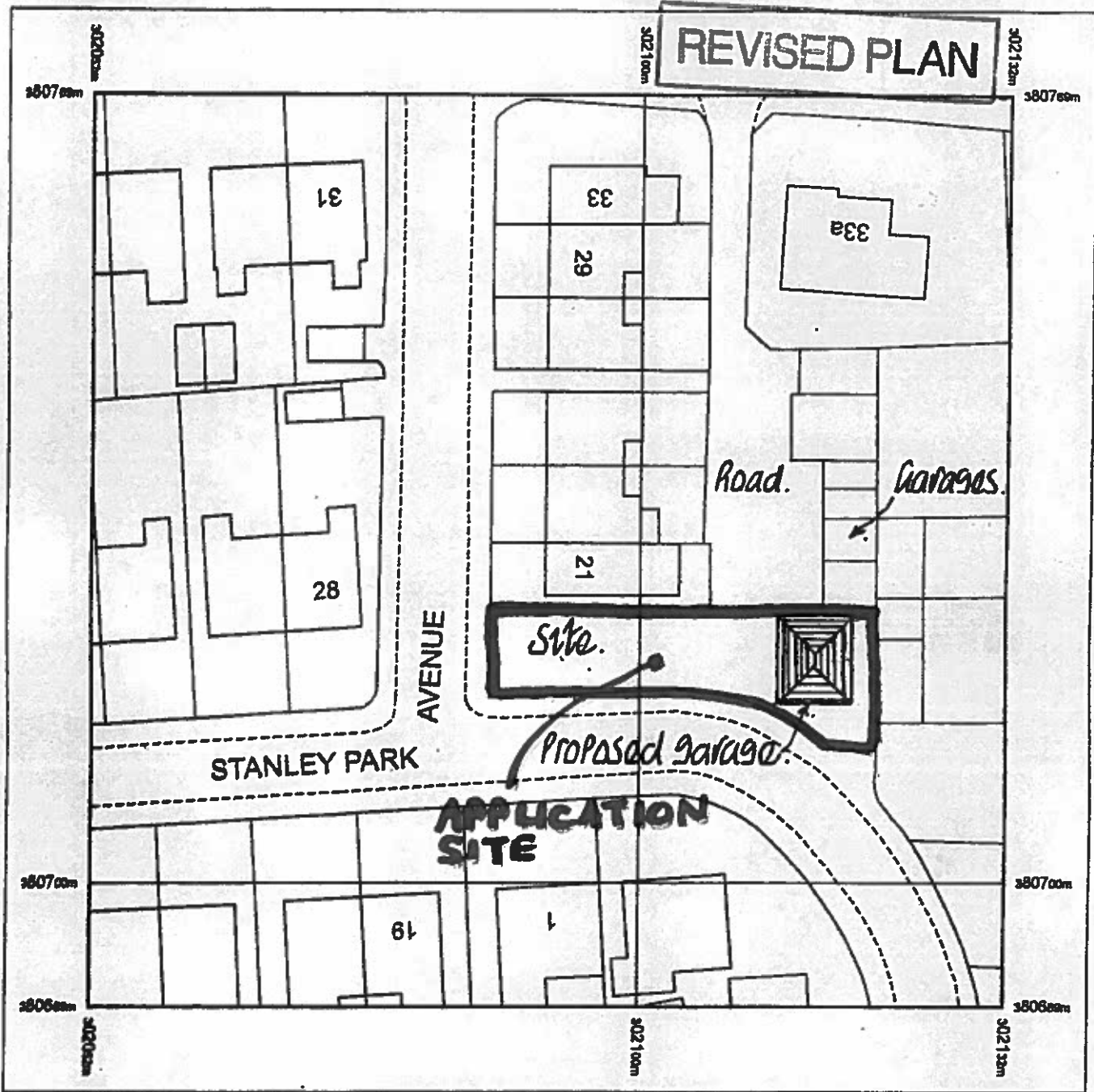
Centre = 302099 E 380720 N

This plan is intended solely to give an indication of the LOCATION of the application site which forms the subject of the accompanying report. It does not form any part of the application documents, and should not be taken as representative of the proposals to be considered, which are available for inspection prior to the meeting.



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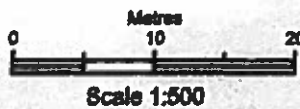
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 Centre coordinates: 302092 30729

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Proposed DG3

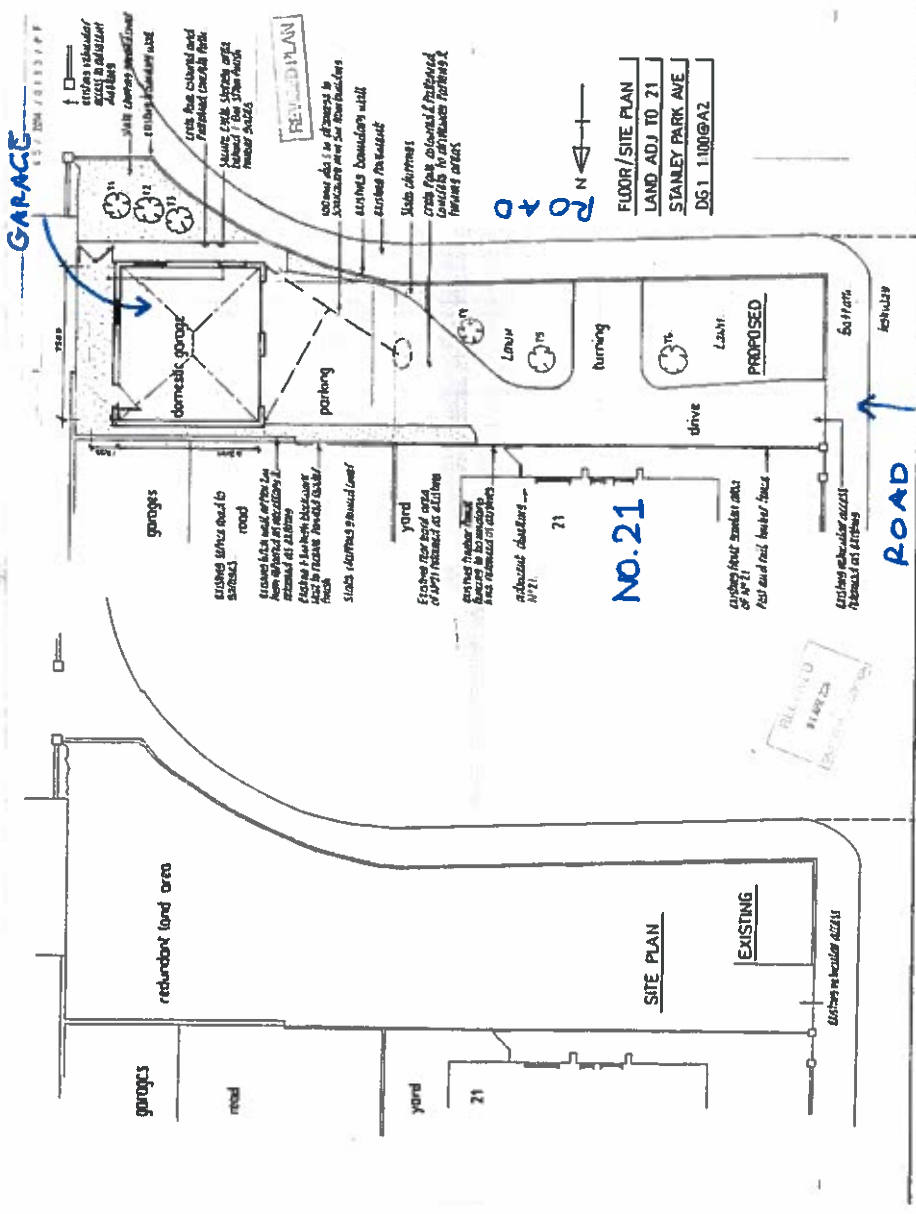
For further details  
 see DG1 A

RECEIVED  
 01 APR 2014  
 CALEDFRYN RECEPTION

# SITE PLAN

**AS EXISTING**

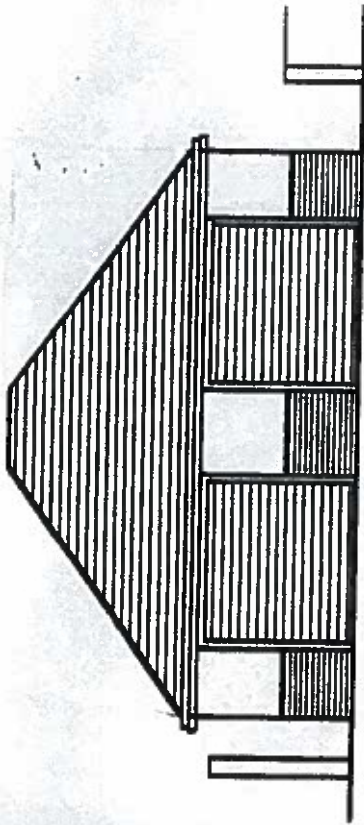
**AS PROPOSED**



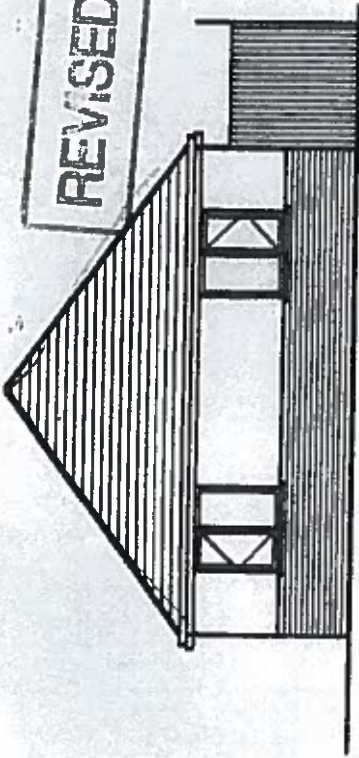


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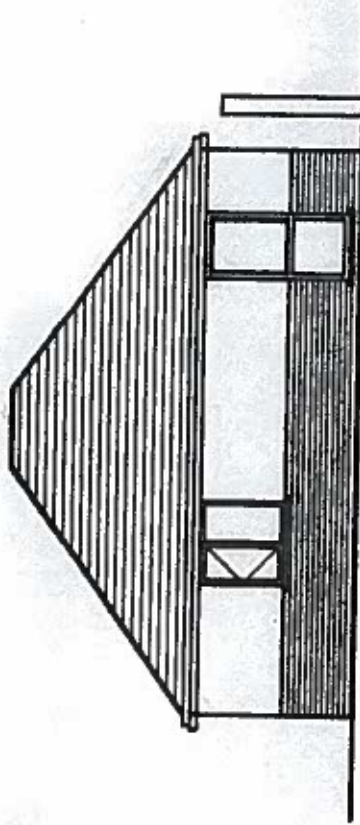
REVISED PLAN



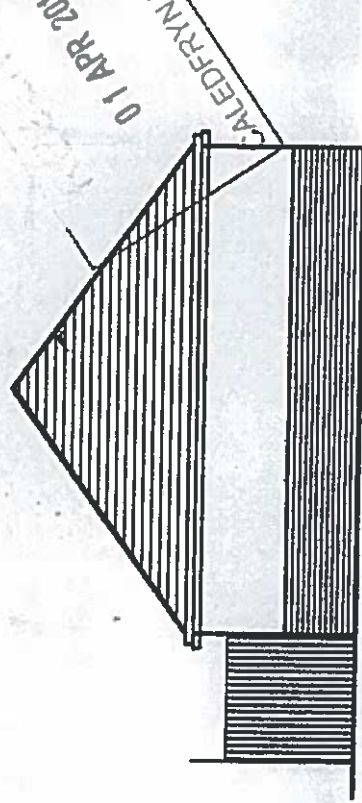
WEST



SOUTH



EAST



NORTH

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PROPOSED EXTERNAL FINISHES

ROOF: MARLEY ASHMORE OR SIMILAR RED DOUBLE PLAN INTERLOCKING CONC TILES.

BLACK UPVC RAINWATER GOODS & WHITE UPVC FASCIAS.

WALLS: CREAM PAINTED RENDER, RED FACING BRICK PLINTH.

DOORS & WINDOWS: WHITE UPVC

LAND ADJ TO 21  
STANLEY PARK AVE  
DG4 REV A 1:100

**ITEM NO.** 4  
**WARD NO:** Rhyl South East  
**WARD MEMBERS** Councillors Win Mullen James, Bill Tasker and Brian Blakeley  
**APPLICATION NO:** 45/2014/0193/PF  
**PROPOSAL:** Erection of a single storey pitched roof double garage  
**LOCATION:** Land adjoining 21 Stanley Park Avenue Rhyl  
**APPLICANT:** Mr Milo O'Loughlin  
**CONSTRAINTS:**  
**PUBLICITY UNDERTAKEN:** Site Notice – No  
Press Notice – No  
Neighbour letters – Yes

**REASONS(S) APPLICATION REPORTED TO COMMITTEE:**  
**Scheme of Delegation Part 2**

- Town Council objection

**CONSULTATION RESPONSES:**

**RHYL TOWN COUNCIL**

Original comments

“Object - the Planning Committee consider that the proposed development would be inappropriate for the site and represent an over intensification.”

In relation to additional information

“ Having considered the additional information... the Committee still consider the proposed garage will represent an over intensification of the site which will lead to conflict with neighbours and particularly the adjacent property”

**DENBIGHSHIRE COUNTY COUNCIL CONSULTEES**

Highways Officer

No objection.

**RESPONSE TO PUBLICITY:** None.

**EXPIRY DATE OF APPLICATION:** 17/04/2014

**REASONS FOR DELAY IN DECISION (where applicable):**

- Reconsultations on additional details.

**PLANNING ASSESSMENT:**

**1. THE PROPOSAL:**

1.1 Summary of proposals

- 1.1.1 The application proposes to erect a detached hipped-roof garage at the eastern end of a strip of land historically used as part of the curtilage of an adjacent dwelling. The garage would have a footprint of 6.3 metres by 7.3 metres and with

an eaves height of 2.4 metres and a ridge height of 4.9 metres.

- 1.1.2 The garage would be finished with a red brick plinth and cream painted render for the walls with a red tiled roof. It would have two garage doors to its front (west) elevation with two windows to the rear (east) and two windows in the southern side elevation facing the side road. (See the plans at the front of the report).
- 1.1.3 The submitted plan shows the extension of the existing driveway down to the garage with a parking area to the front and includes a turning area to allow vehicles to enter and leave the site in a forward gear.
- 1.1.4 The Design and Access Statement submitted with the application recognises that previous attempts to develop the site for residential purposes have been unsuccessful (see planning history below) and that the site has no current viable use. On the basis that the owner of the site lives nearby and has a need for a residential amenity building for the parking and storing of his own vehicles, equipment and cycles the current scheme would allow the site to have a beneficial use. It also argues that the development would secure the site and enhance the residential amenity of the area compared to the current situation where fly-tipping has been known to occur.

## 1.2 Description of site and surroundings

- 1.2.1 The site is a vacant parcel of land which has formed part of the side garden to the adjacent dwelling at 21 Stanley Park Avenue.
- 1.2.2 The site has an existing vehicular access at the front (west) of the site where the frontage to the road measures 8 metres, and then spans back parallel with the adjacent curtilage along the side road of Bryn Coed Park and has a frontage of around 30 metres along this southern boundary.
- 1.2.3 The site is abutted by houses to the north and east with a row of lock up garages to the north east to the other side of a tall brick wall, and has further houses across the roads to the west and south. It currently contains no buildings but does have a concrete driveway leading in off the vehicular access point with metal gates across, and is bounded by a low stone wall of around 1 metre in height along the road sides.

## 1.3 Relevant planning constraints / considerations

- 1.3.1 The site lies within the development boundary in an area without any specific designation in the Local Development Plan.

## 1.4 Relevant planning history

- 1.4.1 There have been two separate applications to erect a dwelling on the site , both refused in 2008. The first refusal was based on potential impacts on privacy and amenity in relation to adjacent dwellings, and inadequate access, parking, and turning facilities. The second refusal was based on the cramped form of development, and unacceptable impact on the amenities of neighbouring property and poor standards of amenity for occupiers of the proposed dwelling.

## 1.5 Developments / changes since the original submission

- 1.5.1 None.

## 1.6 Other relevant background information

- 1.6.1 None.

## **2 DETAILS OF RELEVANT PLANNING HISTORY:**

45/2007/1454 - Development of 0.028 hectares of land by erection of 1 dwelling (Outline application): Refused 18/01/2008 for the following reasons:

*1. The Council does not consider that it has been satisfactorily demonstrated that a new dwelling could be positioned within the site so as not to have an adverse impact on the area or not to result in an unacceptable loss of privacy or amenity or be overbearing to the adjacent dwellings. As such the proposal is unacceptable as it is contrary to criteria (i) and (v) of Policy GEN 6 of the adopted Denbighshire Unitary Development Plan and advice as contained within paragraphs 9.3.3 and 9.3.4 of Ministerial Interim Planning Policy Statement 01/2006 Housing.*

*2. The Council does not consider that it has been satisfactorily demonstrated that the site is capable of accommodating a satisfactory access with sufficient parking and turning facilities to serve a new dwelling without having an adverse impact on the appearance of the site or on highway safety. As such the proposal is unacceptable as it is contrary to criteria (i) and (vi) of Policy GEN 6 of the adopted Denbighshire Unitary Development Plan.*

45/2008/1133 - Development of 0.03 ha of land by the erection of 1 dwelling (outline application including layout and scale): Refused 13/11/2008 for the following reason:

*1. It is considered that the residential development of the site in the manner proposed would result in a cramped form of development out of character with the area. The development of the site in close proximity to adjacent properties would be overbearing and detrimental to neighbouring residential amenity and would not provide reasonable levels of privacy and amenity for occupiers of the proposed dwelling. The proposal is therefore contrary to criteria i) and v) of Policy GEN 6 of the Denbighshire Unitary Development Plan and advice as contained in paragraphs 9.3.3 and 9.3.4 of Ministerial Interim Planning Policy Statement 01/2006 'Housing'.*

## **3 RELEVANT PLANNING POLICIES AND GUIDANCE:**

The main planning policies and guidance are considered to be:

### **3.1 Denbighshire Local Development Plan (Adopted 4 June 2013)**

Policy RD 1 – Sustainable Development and Good Standard of Design  
Policy ASA 3 – Parking Standards

### **3.2 Supplementary Planning Guidance**

SPG 21 – Parking

### **3.3 Government Guidance**

Planning Policy Wales (PPW) Edition 6 February 2014

## **4 MAIN PLANNING CONSIDERATIONS:**

In terms of general guidance on matters relevant to the consideration of a planning application, Planning Policy Wales Edition 6, 2014 (PPW) confirms the requirement that planning applications 'should be determined in accordance with the approved or adopted development plan for the area, unless material considerations indicate otherwise' (Section 3.1.2). PPW advises that material considerations must be relevant to the regulation of the development and use of land in the public interest, and fairly and reasonably related to the development concerned, and that these can include the number, size, layout, design and appearance of buildings, the means of access, landscaping, service availability and the impact on the neighbourhood and on the environment (Sections 3.1.3 and 3.1.4).

The following paragraphs of the report therefore refer to the policies of the Denbighshire Local Development Plan, and to the material planning considerations which are considered to be of relevance to the proposal.

4.1 The main land use planning issues in relation to the application are considered to be:

- 4.1.1 Principle
- 4.1.2 Visual amenity

- 4.1.3 Residential amenity
- 4.1.4 Highways

#### 4.2 In relation to the main planning considerations:

##### 4.2.1 Principle

As the site lies within the defined development boundary, the principle of the use of the site for a private garage with associated parking is considered to be acceptable, given that the site has an existing access point and partial driveway and the application documentation has stated that the garage will be for the private amenity use of the applicant only and not for any commercial purposes. The impact of the proposal in respect of visual amenity, residential amenity and highways is considered further in the following paragraphs.

##### 4.2.2 Visual amenity

Local Development Plan Policy RD 1 test (i) requires due regard to issues of siting, layout, form, character, design, materials, aspect, microclimate and intensity of use of land / buildings and spaces between buildings, which are matters relevant to the visual impact of development; test (iv) requires that development does not unacceptably affect prominent public views into, out of, or across any settlement or area of open countryside; test (v) requires the incorporation of existing landscape or other features, takes account of site contours, and changes in levels and prominent skylines; and test (xiii) requires the incorporation of suitable landscaping measures to protect and enhance development in its local context.

The site lies in a prominent location at a road junction with good visibility along both roads and is adjacent to residential properties to the north and east. The garage proposed would occupy a position at the eastern end of the site which is adjacent to the tall brick walls of the adjacent lock up garages and is considered to be of an acceptable appearance with its use of brick/render and tiles. The eaves height of the structure is relatively low level at 2.4 metres and the roof is hipped which further mitigates any visual prominence of the structure.

Overall therefore, the garage and the laying out of the additional areas of driveway as proposed is not considered to be detrimental to the street scene and is in compliance with Policy RD 1.

##### 4.2.3 Residential amenity

Local Development Plan Policy RD 1 test (i) requires due regard to issues of siting, layout, form, character, design, materials, aspect, microclimate and intensity of use of land / buildings and spaces between buildings, which touch on the potential for impact on residential amenity; test (vi) sets the requirement to assess the impact of development on the amenities of local residents, other land and property users, or characteristics of the locality, in terms of increased activity, disturbance, noise, dust, fumes, litter, drainage, light pollution, etc.

The Town Council have concerns that the proposal would be an overintensification of development leading to conflict with neighbours and the adjacent property. There are however no objections raised from any of the neighbours to the current proposals.

Factually, the garage would be sited adjacent to the rear garden boundary of the property to the north at 21 Stanley Park Avenue and has the lock up garages to the east. In Officers' opinion, the single-storey nature of the garage and the use proposed by the applicant only is not considered likely result in any visual harm to the adjacent occupiers or give rise to unreasonable noise or disturbance which would represent a basis to refuse permission.



Members attention is drawn to the detailing of the site plan at the front of the report, which shows the proposed building would only take up a small proportion of the site, and it is not therefore adjudged that the scheme represents any over intensification of the site. Its use as proposed within the development boundary in a residential area which already includes lock up garages in the vicinity is considered to be an entirely satisfactory land use for the site.

To ensure that the garage is utilised as stated, it is however considered prudent to attach conditions relating to an ancillary residential use only for non-commercial purposes.

The scheme is considered in line with Policy RD 1 and is acceptable for its use as proposed and as described in the supporting documentation with the application.

#### 4.2.4 Highways (including access and parking)

Local Development Plan Policy RD 1 tests (vii) and (viii) oblige provision of safe and convenient access for a range of users, together with adequate parking, services and manoeuvring space; and consideration of the impact of development on the local highway network. Policy ASA 3 requires adequate parking spaces for cars and bicycles in connection with development proposals, and outlines considerations to be given to factors relevant to the application of standards. These policies reflect general principles set out in Planning Policy Wales (Section 8) and TAN 18 – Transport, in support of sustainable development.

The Highway Officer has not raised any objection to the scheme and the proposal will utilise an existing access point, with the layout of the garage and access including a turning head which allows vehicles to enter and leave the site in a forward gear.

The proposed development is therefore not harmful to highway safety and adheres to the requirements of Policies RD 1 and ASA 3.

## 5 SUMMARY AND CONCLUSIONS:

5.1 With due respect to the comments of the Town Council, the application for a domestic garage is considered acceptable, providing a positive solution to the development of the land in keeping with the residential nature of the locality.

### **DECISION: GRANT - subject to the following conditions:-**

1. The development hereby permitted shall be begun before the expiration of five years from the date of this permission.
2. **PRE-COMMENCEMENT CONDITION**  
Prior to the commencement of the development, the written approval of the Local Planning Authority shall be obtained in respect of the walls and roof materials to be used for the development hereby permitted and no materials other than those approved shall be used.
3. The garage hereby permitted shall be utilised by the applicant only for his own personal ancillary residential purposes and shall not at any time be utilised as a separate residence or for any commercial purpose.

The reason(s) for the condition(s) is(are):-

1. To comply with the provisions of Section 91 of the Town and Country Planning Act 1990.
2. In the interests of visual amenity.
3. In the interests of the residential amenity of the locality and nearby occupiers.

### **NOTES TO APPLICANT:**

None.