

Heading:

REFERENCE NO. 45/2014/0924/PF

23 MARINE DRIVE

RHYL

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Application Site

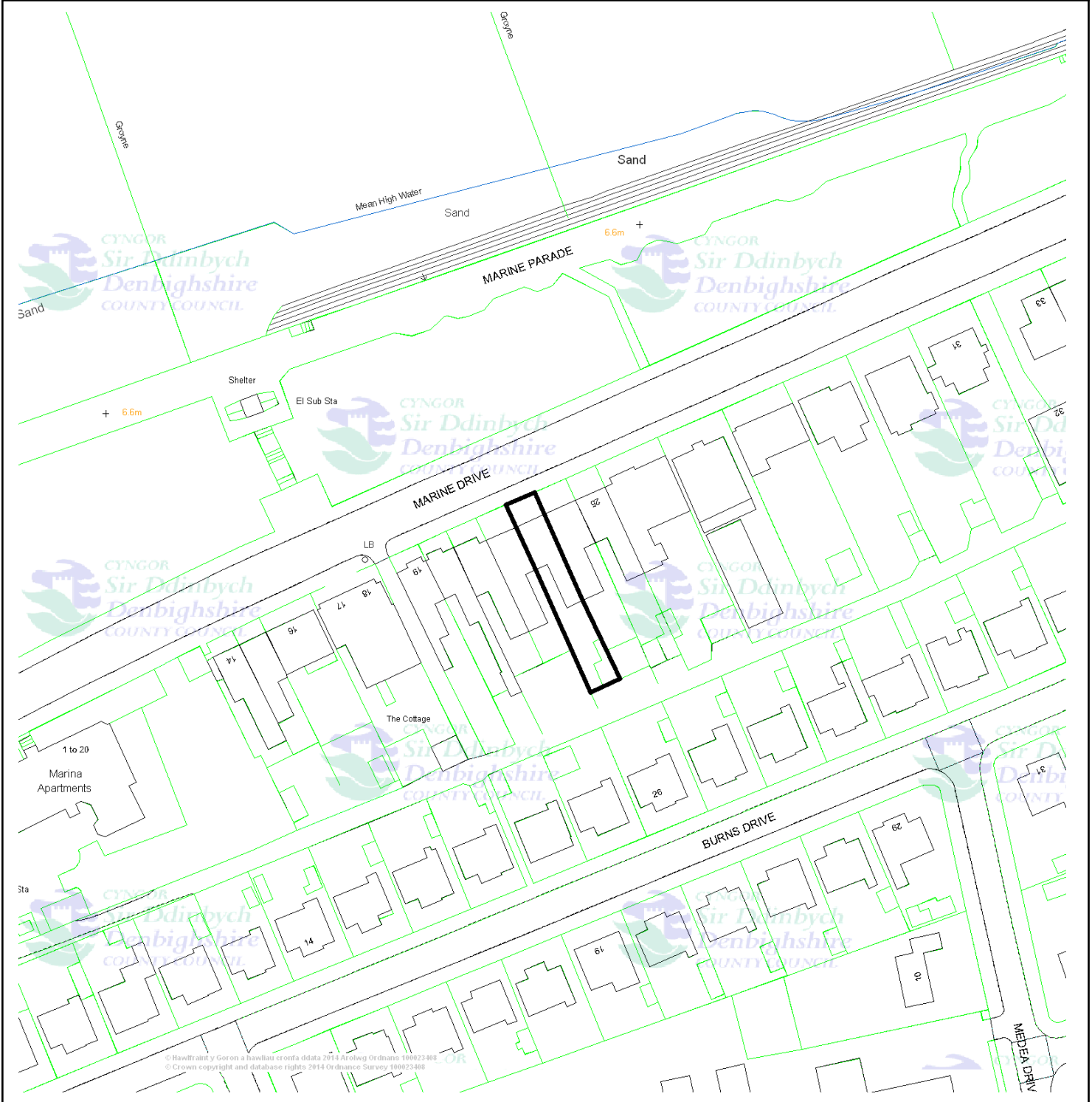


Date 28/8/2014

Scale 1/1250

Centre = 301772 E 382275 N

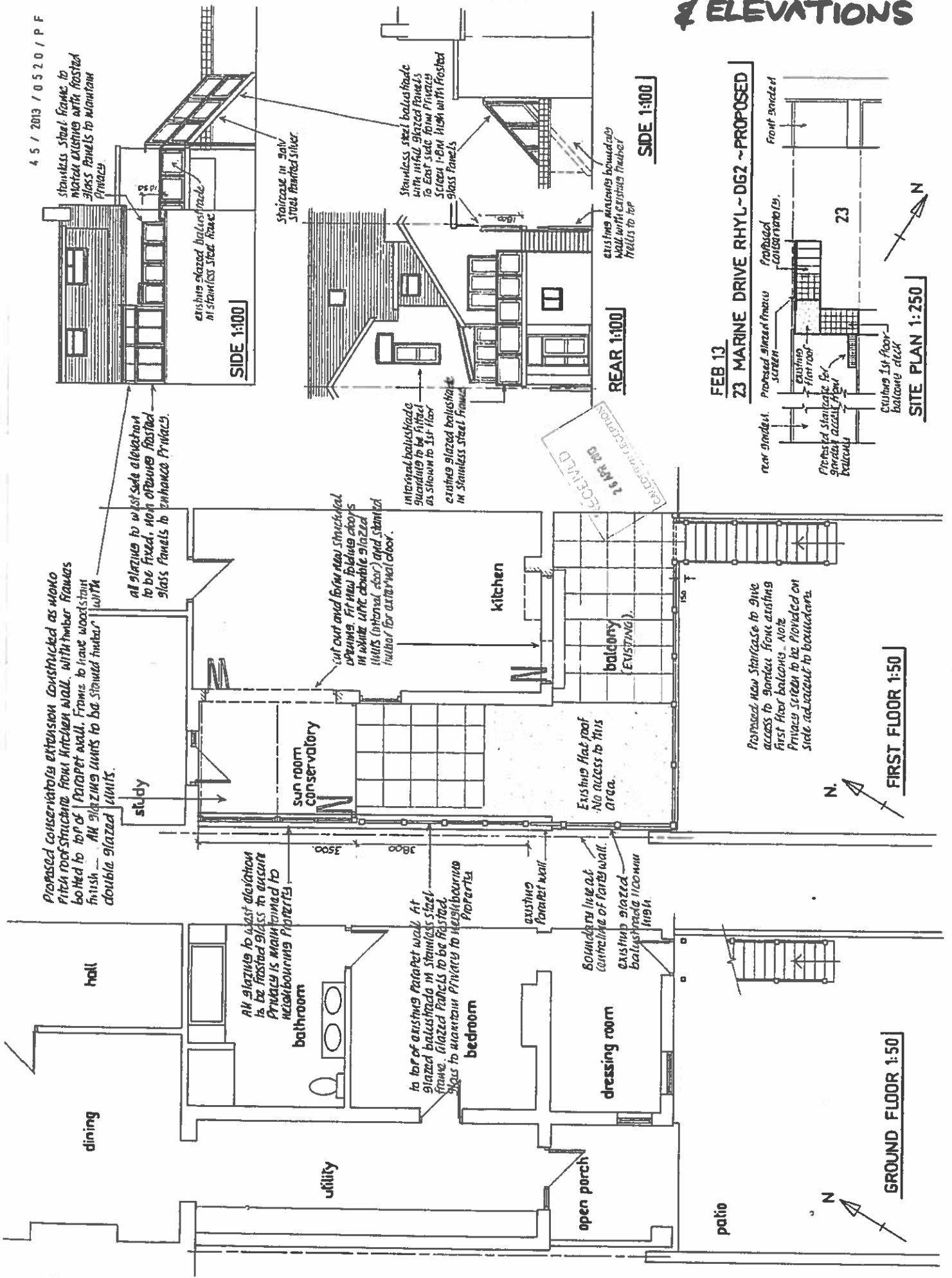
This plan is intended solely to give an indication of the LOCATION of the application site which forms the subject of the accompanying report. It does not form any part of the application documents, and should not be taken as representative of the proposals to be considered, which are available for inspection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



# PLAN A

# PROPOSED PLAN & ELEVATIONS

4 5 / 2013 / 0 5 2 0 / P F



Proposed Conservatory extension constructed as mono pitch roof structure from timber wall, with timber frames bolted to top of parapet wall. Frame to have wood stain finish. All glazing units to be standard timber double glazed units.

All glazing to west side elevation to be fixed, high strength frosted glass panels to enhance privacy.

All glazing to west elevation to be frosted glass to ensure privacy is maintained to neighbouring properties.

To top of existing parapet wall at glazed balustrade in stainless steel frame. Glazed panels to be frosted glass to maintain privacy to neighbouring properties.

Cut out and form new structural openings. Fit new folding doors in white PVC double glazed units (optional) and slatted timber for external door.

Internal balustrade glazing to be fitted as shown to 1st floor existing glazed balustrade in stainless steel frame.

Stainless steel frame to match existing with frosted glass panels to maintain privacy.

existing glazed balustrade in stainless steel frame

Staircase in gully steel framed silver.

Stainless steel balustrade with high glazed panels to east side from privacy screen 1.8m high with frosted glass panels.

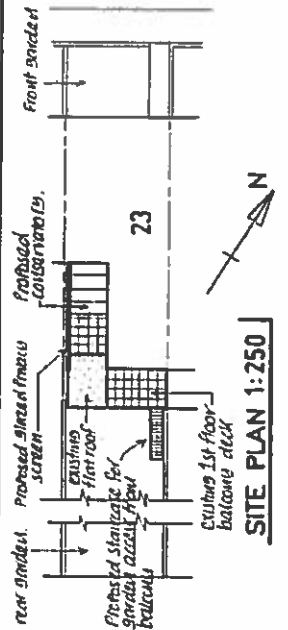
existing masonry boundary wall with existing timber trellis to top

SIDE 1:100

REAR 1:100

FEB 13

23 MARINE DRIVE RHYL - DG2 - PROPOSED



SITE PLAN 1:250

Proposed new staircase to give access to garden from existing first floor balcony. Note privacy screen to be provided on side adjacent to boundary.

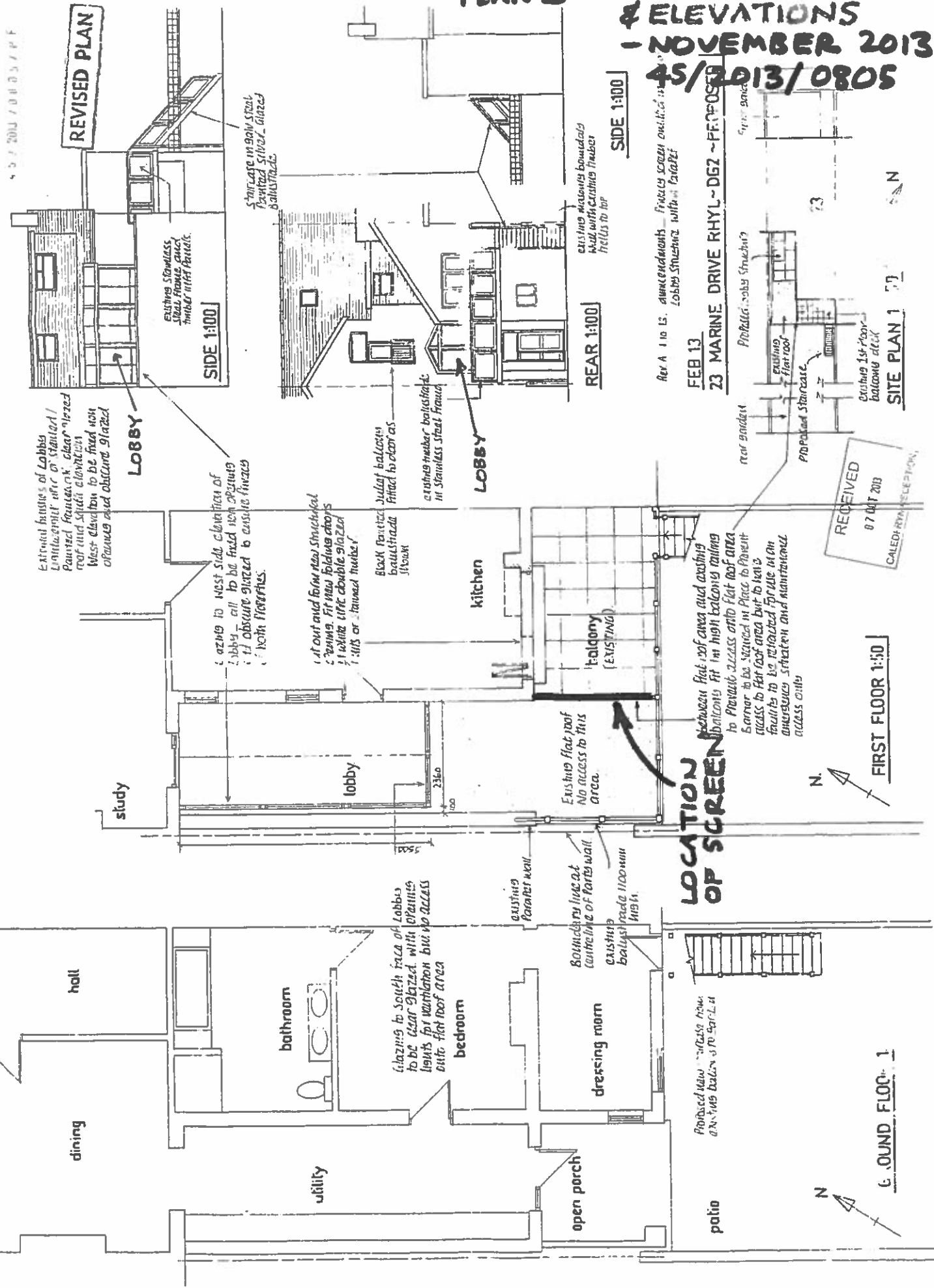
FIRST FLOOR 1:50

GROUND FLOOR 1:50

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COUNCIL OFFICE

# PLAN B

## APPROVED PLAN & ELEVATIONS - NOVEMBER 2013 45/2013/0805



5/2/2013 10:05:14 P

REVISED PLAN

LOBBY

SIDE 1:100

REAR 1:100

SIDE 1:100

FIRST FLOOR 1:50

GROUND FLOOR 1:50

SITE PLAN 1:50

External finishes of Lobby  
 to be painted with a clear  
 painted finish. All clear  
 painted finishes to be fixed with  
 clear and sealed  
 with clear and sealed  
 with clear and sealed

Existing stainless steel  
 frame and timber  
 in lobby

5mm glass in new steel  
 painted silver glazed  
 balustrade

Block finished  
 balustrade  
 fitted to glass

existing timber balustrade  
 in stainless steel frame

EXISTING  
 BALCONY

kitchen

EXISTING flat roof  
 No access to this  
 area

LOCATION  
 OF SCREEN

Between flat roof area and existing  
 balcony fit in high balcony railing  
 to provide access onto flat roof area  
 to be situated in place to prevent  
 access to flat roof area but to have  
 facilities to be retained for use in an  
 emergency situation and maintained  
 access only

RECEIVED  
 07 OCT 2013  
 CALDERA ARCHITECTURE

REV A 1 to 15. AMENDMENTS - FINISH SCREEN OUTLINES IN  
 LOBBY STRUCTURE WITH IN FINISH

FEB 13

23 MARINE DRIVE RHYL - DG2 - FF1005

PROPOSED STAIRCASE

EXISTING flat roof

EXISTING 1st floor balcony deck

PROPOSED STAIRCASE

EXISTING flat roof

EXISTING 1st floor balcony deck

PROPOSED STAIRCASE

EXISTING flat roof

EXISTING 1st floor balcony deck

Produced using AutoCAD  
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**ITEM NO:** 6

**WARD NO:** Rhyl East

**WARD MEMBER(S):** Cllr Barry Mellor  
Cllr David Simmons

**APPLICATION NO:** 45/2014/0924/ PF

**PROPOSAL:** Amended details of alterations and extensions to dwelling (previously granted under code no. 45/2013/0805), eliminating external staircase, involving alternative design of first floor lobby to incorporate internal staircase to ground floor level and the erection of a 1.8m high side boundary screen to permit use of additional section of flat roof area as extension to existing balcony

**LOCATION:** Shirley 23 Marine Drive Rhyl

**APPLICANT:** Mr Russell Moffatt

**CONSTRAINTS:** None

**PUBLICITY UNDERTAKEN:** Site Notice – No  
Press Notice – No  
Neighbour letters - Yes

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

- Referral by Head of Planning / Development Control Manager
- Member request

**CONSULTEE RESPONSES**

RHYL TOWN COUNCIL

Response awaited – will be reported in late representation sheets.

**RESPONSE TO PUBLICITY:**

None received at the time of drafting the report. Any received prior to Committee will be reported in the late sheets.

**EXPIRY DATE OF APPLICATION: 05/10/14**

**REASONS FOR DELAY IN DECISION:**

None

**PLANNING ASSESSMENT:**

**1. THE PROPOSAL:**

**1.1 Summary of proposals**

1.1.1 The application is the second of two on the agenda relating to developments at the rear of this three storey dwelling on Marine Drive in Rhyl.

1.1.2 There has been a long and complex history of applications at this property, the most relevant of which are summarised in Section 1.4 and listed in detail in Section 2.1 of the report.

1.1.3 The proposals in the application which is the subject of this report are submitted as amendments to a planning permission granted at Planning Committee in November 2013. It involves the following :

- the redesign of a previously approved first floor 'lobby' extension, to provide a 7 metre X 2.7 metre lobby with rooflight windows, incorporating an internal staircase from first floor to ground floor level, and external doors allowing access onto a decking area proposed as an extension to the existing balcony. The extension would involve raising the existing boundary wall with No 22 Marine Drive by some 1.2 metres and running a monopitch slated roof into the existing roof of the 3 storey outrigger ;

- the elimination of an external staircase from the existing first floor balcony to ground floor level along the boundary with No. 24;

- the erection of a timber panel screen to match the style of existing panelling already at first floor level, along a 3.5 metre length of the boundary with No. 22, at a height of 1.8 metres above the existing decking area. This is intended to provide a visual and privacy screen between an extended rear balcony area and the rear yard of No 22. The area proposed as the extension to the existing balcony measures some 3.5 metres by 2.5 metres ( 8.75 square metres). The existing balcony has an area of approximately 9.8 square metres.

The details are best understood from perusal of plan A at the front of the report.

1.1.3 The detailing of the November 2013 permission which is linked to the current application is explained at length in the preceding report on the agenda. In brief this involved :

- the erection of a 'lobby room' on part of the existing flat roof area between No 23 and the side of No 22, with a footprint of 5.5 metres X 2.4 metres and a pitched roof up to a height of 3.0 metres, with obscure glazing to the western side facing No 22, and clear glazing to the rear (south) elevation. The lobby had no external door openings in its frame, preventing access out of the lobby onto the adjacent flat roof area;

- the widening of the existing access door from the kitchen onto the balcony area ;

- the erection of an external staircase from the existing balcony down to ground floor level ;

- the erection of a 1.0m high 'balcony railing' to limit access from the existing balcony onto the remaining flat roof area. The plan was annotated to state "Between flat roof area and existing balcony fit 1m high balcony railing to prevent access onto flat roof area. Barrier to be secured in place to prevent access to flat roof area but to have facility to be retracted for use in an emergency situation and maintenance access only."

The preceding application on the agenda deals with the detailing of the above described 'balcony railing'.

The approved 2013 plans are reproduced as Plan B at the front of the report.

1.1.4 The current submission is accompanied by a supporting Statement from the applicant. This refers to the more recent planning history at the site and reviews two previous applications involving extensions at first floor level – a June 2013 refusal for a conservatory and the November 2013 permission for the lobby extension and related developments referred to in paragraph 1.1.3 above. The Statement explains that the applicant has considered the detailing of the consented extension and external staircase, the grounds of refusal of the June 2013 conservatory, and

believes the current application addresses the concerns of neighbours over the proposed stairway, overlooking and privacy, and overbearing development, in that –

- overlooking and loss of privacy concerns would be overcome by the removal of the external staircase (which is now proposed within the extension) and the provision of the privacy screen on the side boundary with No 22.
- Overbearing development should not be an issue as the Council has already approved the lobby extension, and the proposed revisions to that scheme now show the height of the structure to be 700mm lower than the apex of the lobby on the November 2013 permission

1.1.5 In appreciating the complexities of the situation, if the Committee consented to the current application, the implementation of the permission would effectively override the two most recent permissions for developments, as granted in January 2011 and November 2013.

## 1.2 Description of site and surroundings

1.2.1 The subject property is a three-storey mid-terraced house which fronts the beach and promenade in Rhyl on Marine Drive. It is abutted by a house to the east, No.24 Marine Drive, and by flats at No. 22 Marine Drive. Properties within the area are used for a variety of residential accommodation including houses and flats, with the rear curtilage of the properties in the block (19 to 26) used for amenity space and also parking, which is accessed via a rear alleyway.

1.2.2 There has been a first floor balcony area at the rear of No. 23 for some years. A planning permission was granted in early 2011 for a single storey flat roof extension at the side of the property. This was conditioned to prevent use of the flat roof area in order to limit the overlooking of the rear of No 22.

1.2.3 The adjacent property at 24 Marine Drive has a swimming pool in the rear garden and has a two-storey flat-roofed rear projection along the side boundary to No. 23, with a main window on the rear elevation facing south.

1.2.4 The adjacent property at 22 Marine Drive has a rear yard area which is divided into three areas for use by the ground floor, first floor and second floor flats, with the ground floor unit facing the side blank wall of the single-storey extension added to the rear of 23 Marine Drive. The property at 22 Marine Drive has rear facing bedroom doors and windows and the upper floors also have rear and side facing windows; and there is a rear stairway down from first floor level at the back of Nos. 21 / 22.

## 1.3 Relevant planning constraints/considerations

1.3.1 There are no designations or allocations in the Local Development Plan of relevance to the application.

## 1.4 Relevant planning history

1.4.1 The site has an extensive planning history as set out in Section 2 of this report. It includes a number of applications to alter and extend at the rear of the property.

1.4.2 The most recent applications of relevance are one granted in January 2011 for the retention of a single storey flat roofed extension with a flat roof infill, one refused in June 2013 for a conservatory at first floor level on top of the flat roof area, and one

granted in November 2013 for a first floor lobby extension, stairway and barrier to prevent access onto the flat roof area.

1.4.3 The relevance of the November 2013 permission for the lobby, screen, and staircase is that it effectively 'overrides' the earlier permission in 2011 involving the flat roof extension. It is capable of implementation irrespective of the determination of the current application and as a 'fallback' is a material consideration in the weighing up of the present proposals.

1.5 Developments/changes since the original submission

None.

1.6 Other relevant background information

1.6.1 The preceding application on the agenda, Code no. 01/2014/0805 relates to the detailing of the balcony screen as required by Condition 5 of the planning permission granted in November 2013.

**2 DETAILS OF PLANNING HISTORY:**

2.1 2/RYL/518/78 - Erection of a fire escape for flatlets: Granted 07/11/1978.

2/RYL/0190/90/P - Continuation of use of building as 4 flats and extension to rear:  
Withdrawn 03/12/1990.

2/RYL/0176/93/P - Construction of dormer at rear to form new bathroom/bedroom (Flat 2):  
Granted 22 June 1993.

45/2007/1511 - Erection of two-storey flat-roofed extension with balconies at rear of premises and provision of new steel staircase: Refused 14/03/2008 on the grounds of the impact on the adjacent occupiers due to the scale, massing, height and siting of the extensions with balconies above which would have a detrimental impact on the amenity and privacy of the adjacent occupiers.

45/2008/0694 - Erection of two-storey extension with balcony at rear of dwelling: Refused 04/09/2008 on the same grounds as the refusal of 45/2007/1511.

45/2008/1356 - Erection of single-storey flat roof extension to rear: Withdrawn 30/04/2009.

45/2009/1003 - Application for a Certificate of Lawfulness for the proposed erection of single storey flat roof extension to side of dwelling: Certificate issued 13/07/2010.

45/2010/1360 - Retention of single-storey flat-roofed extension but with flat roof infill over open porch and handrail over to match existing balcony deck (Retrospective application): Granted 19/01/2011. The permission contained conditions precluding use of the flat roof area nearest No 22 as a balcony, roof garden, or amenity area ; and required approval of the detailing of a screen to prevent access from the balcony area onto the aforementioned flat roof area, and the details of Juliet balconies to prevent access from external doors onto that area.

45/2011/0532 - Details of screen and Juliet balconies to prevent access on to the side extension flat roof submitted in accordance with retrospective planning permission 45/2010/1360: Refused 08/08/2011 on the grounds that the proposed screening would not prevent access to the flat roof and therefore did not remove the possibility of the overlooking of the adjoining property at 22 Marine Drive.

45/2013/0520/PF - Construction of first-floor conservatory extension and privacy screen and construction of external staircase from balcony to garden area: Refused 3 June 2013 for the following reason:

*"It is the opinion of the Local Planning Authority that the scale, massing, height and siting of the proposed first-floor conservatory on top of the existing single-storey rear extension, and*

*use of the flat roof area adjacent to the proposed conservatory as a balcony would result in a detrimental impact on the amenity of the adjacent occupiers, by virtue of overlooking, loss of privacy and overbearing impact. As such, the proposal is contrary to Criterion v) of Policy GEN 6 and Criterion iii) of Policy HSG 12 of the adopted Denbighshire Unitary Development Plan, along with the guidance set out in the Council's adopted Supplementary Planning Guidance 1'Extensions to Dwellings'."*

45/2013/0805 - Erection of lobby extension at first floor level, staircase from first floor balcony to rear garden, and balustrade to limit access to first floor flat roof area ; and widening of existing doorway from kitchen onto existing balcony: Granted 13 November 2013. Conditions attached precluding the provision of external door openings out onto the flat roof area and the use of the flat roof area as a balcony, roof garden, or amenity area in connection with the dwelling; and requiring approval of the detailing of the balustrade /screen.

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

The main planning policies and guidance are considered to be:

#### **3.1 DENBIGHSHIRE LOCAL DEVELOPMENT PLAN (adopted 4<sup>th</sup> June 2013)**

Policy RD 1 Sustainable development and good standard design

Policy RD 3 Extensions and alterations to existing dwellings

#### **3.2 Supplementary Planning Guidance**

SPG 1 Extensions to dwellings

SPG 24 Householder development design guide

#### **3.3 GOVERNMENT POLICY / GUIDANCE**

Planning Policy Wales Edition 7 July 2014

Technical Advice Notes

### **4 MAIN PLANNING CONSIDERATIONS:**

In terms of general guidance on matters relevant to the consideration of a planning application, Planning Policy Wales Edition 7, 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 relate 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 in Section 4 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 are considered to be:-**

4.1.1 Principle

4.1.2 Planning history

4.1.3 Visual impact

4.1.4 Residential amenity impact

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

##### **4.1.1 Principle**

The principle of extensions to existing dwellings is generally acceptable in terms of current policies, subject to consideration of detailing and impacts. Policy RD 3 relates specifically to extensions to dwellings and permits extensions subject to the acceptability of scale and form; design and materials; the impact upon character,



appearance, and amenity standards of the dwelling and its immediate locality; and whether a proposal represents overdevelopment of the site. SPG 1 and SPG 24 offer basic advice on the principles to be adopted when designing domestic extensions and related developments.

The proposed alterations and additions to an existing residential property set within a defined development boundary would therefore be acceptable in principle, subject to meeting the relevant site specific impact tests outlined in Policies RD 1 and RD 3.

#### 4.1.2 Planning History

The subject site has a complex planning history as outlined earlier in this report, which is an important context for assessment of the current application.

There have been various proposals to extend at the rear of No. 23 since 2007. Two applications were refused in 2008 for two-storey projections adjacent to the side boundary. A single storey extension was constructed as 'permitted development' and accepted as 'lawful' through a Certificate of Lawfulness in 2010. Retrospective permission was granted for an addition to this flat roof extension in 2011, with restrictions on the use of the first floor area and a requirement for the erection of screens and Juliet balconies to limit access to that area. Permission was refused in June 2013 for a first floor conservatory structure and external stairway down to ground floor level. An alternative scheme for a first floor lobby extension and external stairway was granted at Planning Committee in November 2013, subject to conditions.

Whilst the planning history in itself should have limited relevance to the consideration of the merits of the current application, it is material to consider the 'fallback' position of the applicant in that the November 2013 permission permits the erection of a lobby extension and external stairway, developments which can clearly be carried out subject to compliance with conditions. Officers respectfully suggest this establishes the Council's acceptance of a suitably designed first floor extension, subject to due consideration of the visual and residential amenity impacts, which are addressed in the following sections of the report.

#### 4.1.3 Visual Appearance

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 (vi) requires that development does not unacceptably affect prominent public views into, out of, or across any settlement or area of open countryside; test (vi) 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. SPG 1 and SPG 24 provide further advice on the suitability of householder development.

As mentioned previously, the situation at No. 23 has been a complex one, given the background history, the detailing of the proposals and the relationships between properties. Members are referred to the plans at the front of the report and will see photographs of the site at Committee, which may help to simplify understanding of what is involved. A Site panel will be visiting the site prior to Committee and will see first hand the detailing of existing features and the relationship with adjoining properties. There have been concerns expressed over time by one neighbour over the acceptability of proposals at the rear of No. 23.

It is to be noted initially in respect of the visual amenity considerations, that the context of the local area includes a number of other properties which have rear extensions. As an example, No. 24 has a 2 storey flat roofed extension which projects some 2.8 metres out beyond the rear wall of No.23. Extensions at the rear of Marine Drive properties are not an unusual feature in the area, and given the scale of the

development proposed, the visual appearance is considered to be acceptable. The lobby extension would be set within a recessed area flanked by the three-storey outrigger of the application property and that of its neighbour at No 22, and it is not considered that a refusal of permission based on visual harm could be justified.

The main other change proposed, involving the erection of a visual screen along the boundary with No. 22 is considered to be appropriate in respect of visual appearance, the detailing of the screen matching existing screens along the rear balcony.

In Officers' opinion, the scheme is acceptable in respect of its visual appearance, which is a basic test of Policies RD 1 and RD 3 and advice set out in SPG 1 and SPG 24.

#### 4.1.4 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. SPG 1 and SPG 24 both stress the need for good design in order to ensure that the character and amenity of the neighbourhood is maintained.

In terms of detailing, the proposed first floor lobby involves a 1.2 metre increase in height of a section of boundary wall, to support a lean to roof incorporating rooflight windows. The wall would be rendered and painted to match the existing wall. The lobby would be 1.5 metres longer and 0.3 metres wider than the one approved in November 2013. The detailing would obviate any potential for overlooking to and from No 22, which realistically is the only affected property in terms of residential amenity. Having regard also to the height and proximity of the previously approved lobby extension, Officers do not consider this element of the scheme would be unacceptable in terms of additional impact on the residential amenities of the occupiers of the flats at No 22.

The proposed privacy screen along a 3.5 metre length of the side boundary with No. 22 would provide an effective visual barrier limiting the potential for overlooking from the proposed extended balcony area at the rear of No. 23. On this basis, the scheme is considered to reasonably address any concerns regarding the impact on residential amenity from use of the balcony area of No. 23.

The elimination of the external stairway from the existing balcony to ground floor level on the side nearest No. 24, as approved in November 2013, would address previously expressed concerns over the potential impact of that feature on the privacy of the rear garden area.

In Officers opinion, given the basis of the 2013 permission, the lobby extension and privacy screen are not considered overbearing, out of scale, or to represent overdevelopment in the context of the locality.

#### Other matters

##### Handling of proposals at the property

Members will appreciate that there has been a significant history leading up to the consideration of the current application, and neighbour issues have arisen which have made for a difficult situation for all parties. In acknowledging the basis of concerns expressed over developments, Officers would comment with respect that the Council has no say over the number of applications an individual may choose to submit, and has a duty to deal with each application in the same manner, with regard to policy and impacts, and any representations lodged. Applications have been dealt without favour and in relation to land use planning

considerations relevant to their determination.

Compliance with conditions on previous permission

Objectors have previously questioned whether further applications should be properly considered whilst there still remain questions over compliance with the 2011 permission.

Officers have advised previously that in respecting these concerns, the Council has a duty to determine the proposals in front of it on their own merits, and any decision here should not be influenced by matters pertaining to breaches of a previous permission.

## **5 SUMMARY AND CONCLUSIONS:**

5.1 Officers acknowledge there has been a difficult background in relation to this property. In respecting the ongoing concerns of the neighbours, it is considered there is a basis for support for the current proposals, given the detailing and the developments which could take place if the scheme granted in November 2013 were to be implemented.

5.2 The proposals are considered acceptable in terms of visual appearance and impact on residential amenity, subject to suitable conditions. With respect to the representations on the application, the development is not considered likely to result in unacceptable harm to neighbouring residential amenity sufficient to justify a refusal of permission.

5.3 The recommendation is therefore to grant permission.

**RECOMMENDATION: GRANT** - subject to the following conditions:-

1. The development to which this permission relates shall be begun no later than the expiration of five years beginning with the date of this permission.
2. The use of the additional area of the flat roof as an extension to the first floor balcony shall not be brought into use until the approved boundary screen has been erected. The screen shall be retained as approved at all times.

The reasons for the conditions are:-

1. To comply with the provisions of Section 91 of the Town and Country Planning Act 1990.
2. In the interests of the privacy/amenity of the occupiers of adjoining property.