

Heading:

REFERENCE NO. 44/2014/0953/PF
6 GROVE TERRACE, PRINCES ROAD
RHUDDLAN

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 Application Site

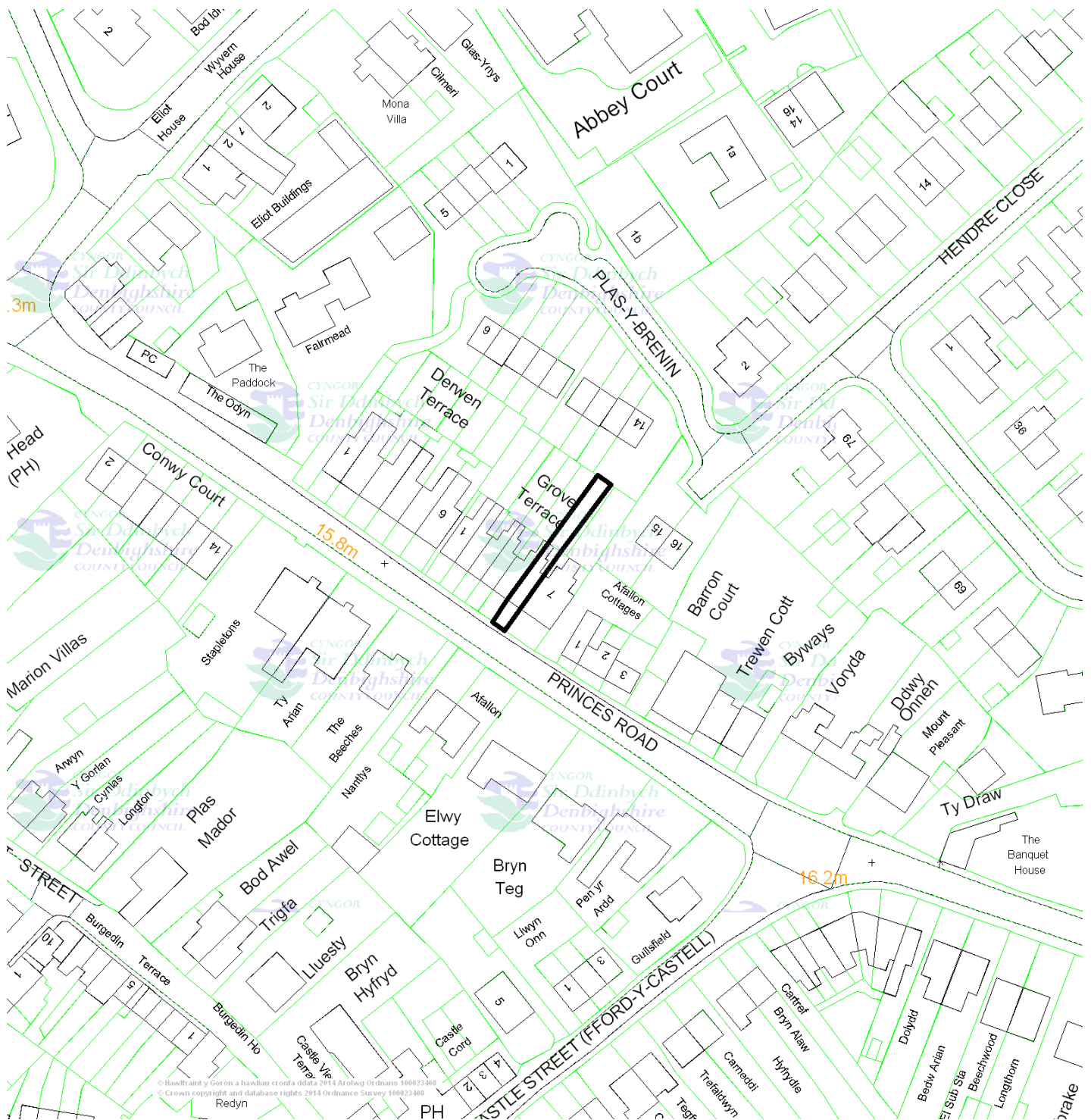


Date 5/1/2015

Scale 1/1250

Centre = 302551 E 378138 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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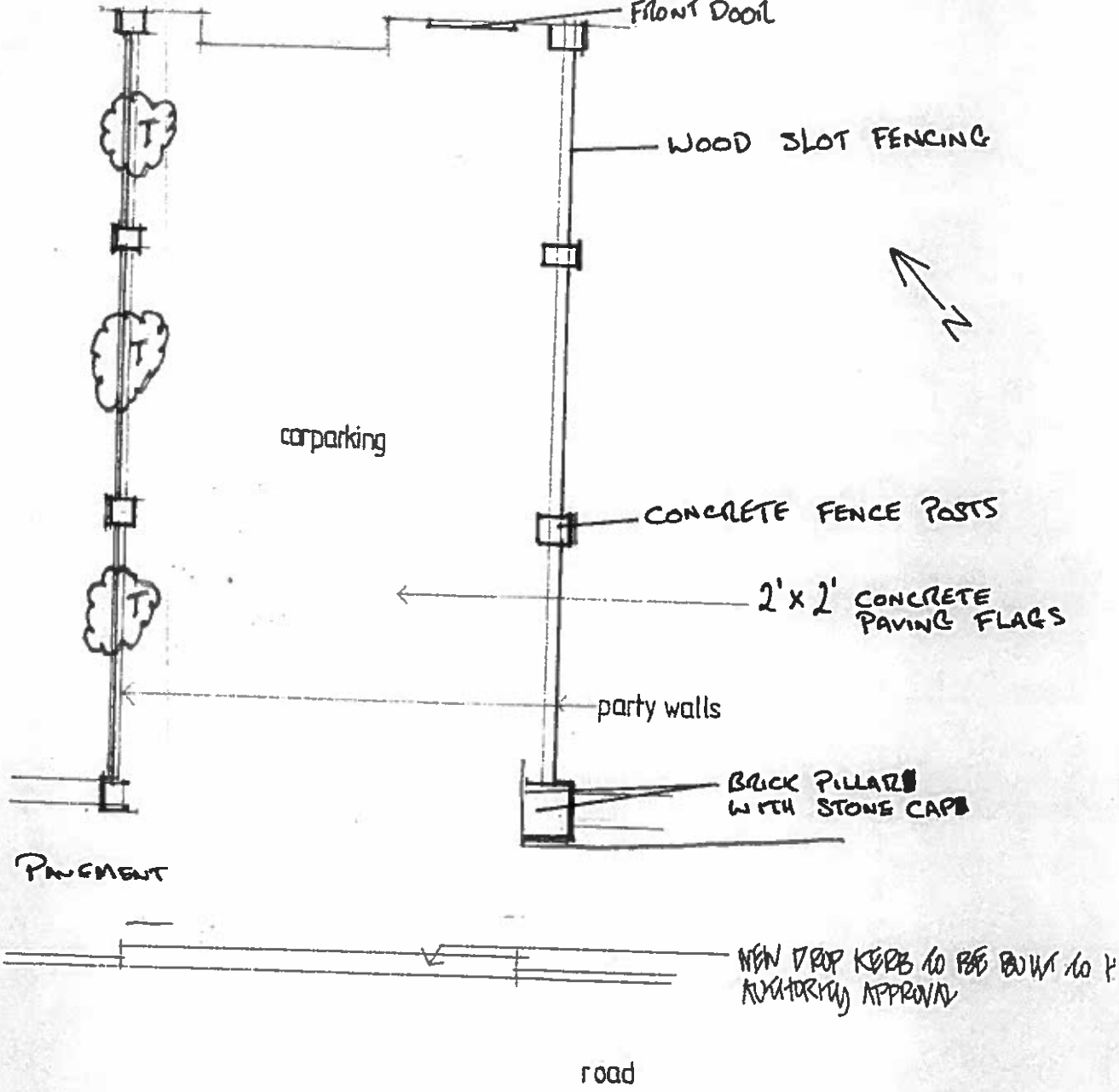
Atgynhychir y map hwn o ddeunydd yr Ordnance Survey gyda chaniatâd yr Ordnance Survey ar ran Rheolwr Llyfrfa Ei Mawrhydi © Hawffraint y Goron. Mae atgynhychu heb ganiatâd yn torri hawffraint y Goron a gall hyn arwain at erlyniad neu achos sifil. Cyngor Sir Ddinbych. 100023408. 2011.

PROPOSED GARDEN LAYOUT

PROPOSED LAYOUT
T = TREE

Nº 6

44 / 2014 / 0953 / P F



PLAN

RECEIVED
 18 AUG 2014
 CALEDFRYN RECEPTION

AUG 2014

WARD NO: Rhuddlan

WARD MEMBER(S): Cllr Ann Davies
Cllr Arwel Roberts

APPLICATION NO: 44/2014/0953/ PF

PROPOSAL: Construction of new vehicular access involving removal of front boundary wall to create parking for one vehicle

LOCATION: 6, Grove Terrace Princes Road Rhuddlan Rhyl

APPLICANT: Mr Keith Smith

CONSTRAINTS: Conservation Area

PUBLICITY UNDERTAKEN: Site Notice – Yes
Press Notice – Yes
Neighbour letters - Yes

CONSULTATION RESPONSES:

RHUDDLAN TOWN COUNCIL
"No objection".

DENBIGHSHIRE COUNTY COUNCIL CONSULTEES –
Head of Highways and Infrastructure
Highways Officer
No objection subject to conditions relating to detailing

Conservation Architect
Proposals neither preserve nor enhance the character and appearance of the conservation area

RESPONSE TO PUBLICITY: None

EXPIRY DATE OF APPLICATION: 20/10/2014

REASONS FOR DELAY IN DECISION:

- Re-allocation from original case officer

PLANNING ASSESSMENT:

1. THE PROPOSAL:

1.1 Summary of proposals

- 1.1.1 Consideration of the application was deferred at the December 2014 Committee to allow for opportunity to check the planning history relating to the creation of vehicular accesses in the vicinity of the site. This information is included in Section 1.4 of the report.
- 1.1.2 The proposal involves the creation of a vehicular access on to the highway at Princes Road, to the front of an existing dwelling, including the removal of a front boundary wall.

1.2 Description of site and surroundings

- 1.2.1 The site consists of a two storey mid terraced property. It is situated within the Rhuddlan Conservation Area. The site is one of seven residential properties within Grove Terrace.

1.2.2 The site is located to the east of the town centre of Rhuddlan. It is located on Princes Road, which is a classified road. Princes Road is a predominantly residential street.

1.3 Relevant planning constraints/considerations

1.3.1 The site is located within the development boundary of Rhuddlan and the Rhuddlan Conservation Area.

1.4 Relevant planning history

1.4.1 The creation of the access has previously been refused retrospective planning permission in 2010 and this was subsequently dismissed by the Planning Inspectorate at appeal. An enforcement appeal seeking to remove the requirement to re-instate the front boundary wall was also dismissed in May 2012.

1.4.2 There have been a number of planning applications and an enforcement history relating to the creation of accesses in the immediate locality.

1.4.3 Permission was granted in 1987 by the former Rhuddlan Borough Council at 3 Grove Terrace for the creation of a new access. This application required the installation of a gate to mitigate visual impact.

1.4.4 In 1991 an application was refused by Rhuddlan Borough Council at 6 Derwen Terrace (Rose Villa) for the creation of a new access. The application was refused due to the impact on the Conservation Area and impact on highway safety. A subsequent appeal was dismissed. The appeal Inspector concluded that the removal of the front boundary wall would not preserve or enhance the character of the Conservation Area. Additionally the Inspector concluded that existing parking spaces within front gardens on Grove Terrace and Derwen Terrace did not justify the development. It was considered that future development of this type would be very damaging to the street scene.

1.4.5 In the intervening period part of the wall of 6 Derwen Terrace was removed. The associated pillars were retained. This removal was subject of a enforcement investigation in 2014 and it was found that the partial removal of the wall had taken place approximately 10 years ago and that the partial removal of the wall did not represent a breach of planning control having regard to relevant case law and permitted development rights. In the context of the above it was not possible for the Local Planning Authority to take formal enforcement action.

1.4.6 In 2002 an application was refused by Denbighshire County Council for the creation of a new access to 1 Grove Terrace on the grounds of the impact on the Conservation Area, and the harmful precedent that would be set.

1.4.7 Enforcement action has been considered previously at 4 and 7 Grove Terrace in relation to the creation of accesses but due to the amount of time lapsed since the works were carried out, this has not been considered expedient to pursue.

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 PLANNING HISTORY:

2.1 44/2009/1500 - Construction of a new vehicular access involving removal of frontage wall (retrospective application) REFUSED 24th November 2010 and subsequently dismissed at appeal for the following reason;

“In the opinion of the Local Planning Authority, the removal of the front boundary wall, which is a key feature of the Conservation Area, has a detrimental impact on the character and appearance of the Conservation Area which is in conflict with Policy CON 5 of the Denbighshire Unitary Development Plan and advice set out in Supplementary Guidance Note 13 Conservation Areas. The grant of permission would make it more difficult to resist proposals elsewhere in the locality, to the further detriment of the Conservation Area.”

Subsequent appeal to Planning Inspectorate DISMISSED 6th May 2011. The Inspector's comments in the decision letter referred to the detrimental impact the works had on the character and appearance of the Conservation Area, stating that it fails to meet the statutory requirement concerning the desirability of either preserving or enhancing the character or appearance of the Conservation Area.

3. RELEVANT POLICIES AND GUIDANCE:

The main planning policies and guidance are considered to be:
Denbighshire Local Development Plan (adopted 4th June 2013)
Policy RD1 – Sustainable development and good standard design
Policy RD3 – Extensions and alterations to existing dwellings

Government Policy / Guidance
Planning Policy Wales Edition 7 July 2014

4. MAIN PLANNING CONSIDERATIONS:

In terms of general guidance on matters relevant to the consideration of a planning application, Planning Policy Wales Edition 7, July 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 in relation to the application are considered to be:

- 4.1.1 Principle
- 4.1.2 Impact on Residential Amenity
- 4.1.3 Visual and Landscape Amenity
- 4.1.4 Access / Highway issues

4.2 In relation to the main planning considerations:

- 4.2.1 Principle
The general principle of constructing a new vehicular access in connection with a dwelling may be acceptable subject to the assessment of local impacts.
- 4.2.2 Visual Amenity
PPW paragraph 4.11.9 states that the visual appearance and scale of development and its relationship to its surroundings and context are material planning considerations when assessing planning applications. Criteria i) of Policy RD 1 requires that development respects the site and surroundings in terms of siting, layout, scale, form, character, design, materials, aspect, micro-climate and intensity of use of land/buildings and spaces around and between buildings. Paragraph 6.5.17, Chapter 6, PPW states that should any proposed development conflict with the objective of preserving or enhancing the character or appearance of a conservation

area, or its setting, there will be a strong presumption against the grant of planning permission.

The removal of the front boundary wall has been resisted previously by the County Council through the refusal of planning permission, and the Planning Inspectorate at a planning appeal and upholding enforcement notice. The removal of the front boundary wall has been resisted based on the detrimental impact on the character and appearance of the conservation area.

As has previously been established, it is considered that the removal of the front boundary wall would be harmful to the character and appearance of the conservation area and therefore fails to comply with the requirements of the policies and guidance listed above.

With respect to the issue of existing accesses in the immediate locality, Officers' advice is that all of the existing accesses in the locality benefit from historic planning permissions or are exempt from enforcement action due to the passage of time, or they benefit from permitted development allowances. It is Officers' opinion that development elsewhere beyond planning control does not justify further development that would be harmful to the character of the conservation area. This view has been confirmed by the planning inspector in the appeal relating to the exact same proposal for an access at the application site in 2011.

4.2.3 Access / Highway issues

Policy RD1 requires that development does not have an unacceptable impact on the local highway network.

The Highways Officer has raised no objection to the proposals on technical acceptability grounds, subject to conditions.

Having regards to the design, scale and location of the proposals it is considered that they would not have an unacceptable impact on the local highway network subject to appropriate detailing secured by condition.

5. SUMMARY AND CONCLUSIONS:

- 5.1 Officers remain of the strong opinion that the proposal would have a detrimental impact of the character and appearance of the conservation area, and the application is therefore recommended for refusal.

RECOMMENDATION: REFUSE- for the following reasons:-

1. It is the opinion of the Local Planning Authority, that the proposed development, by virtue of the removal of the front boundary wall, which is a key feature of the Conservation Area, would have a detrimental impact on the character and appearance of the Conservation Area and the locality, which is in conflict with criteria i) of Policy RD 1 of the Denbighshire Local Development Plan and advice set out in Planning Policy Wales Edition 7 and Supplementary Guidance Note 13 Conservation Areas.

NOTES TO APPLICANT:

None