

Heading:

REFERENCE NO. 43/2015/0220
LAND AT 1 BOSWORTH GROVE
PRESTATYN

Graham Boase
Head of Planning & Public Protection
Denbighshire County Council
Caledfryn
Smithfield Road
Denbigh
Denbighshire LL16 3RJ

Tel: 01824 706800 Fax: 01824 706709

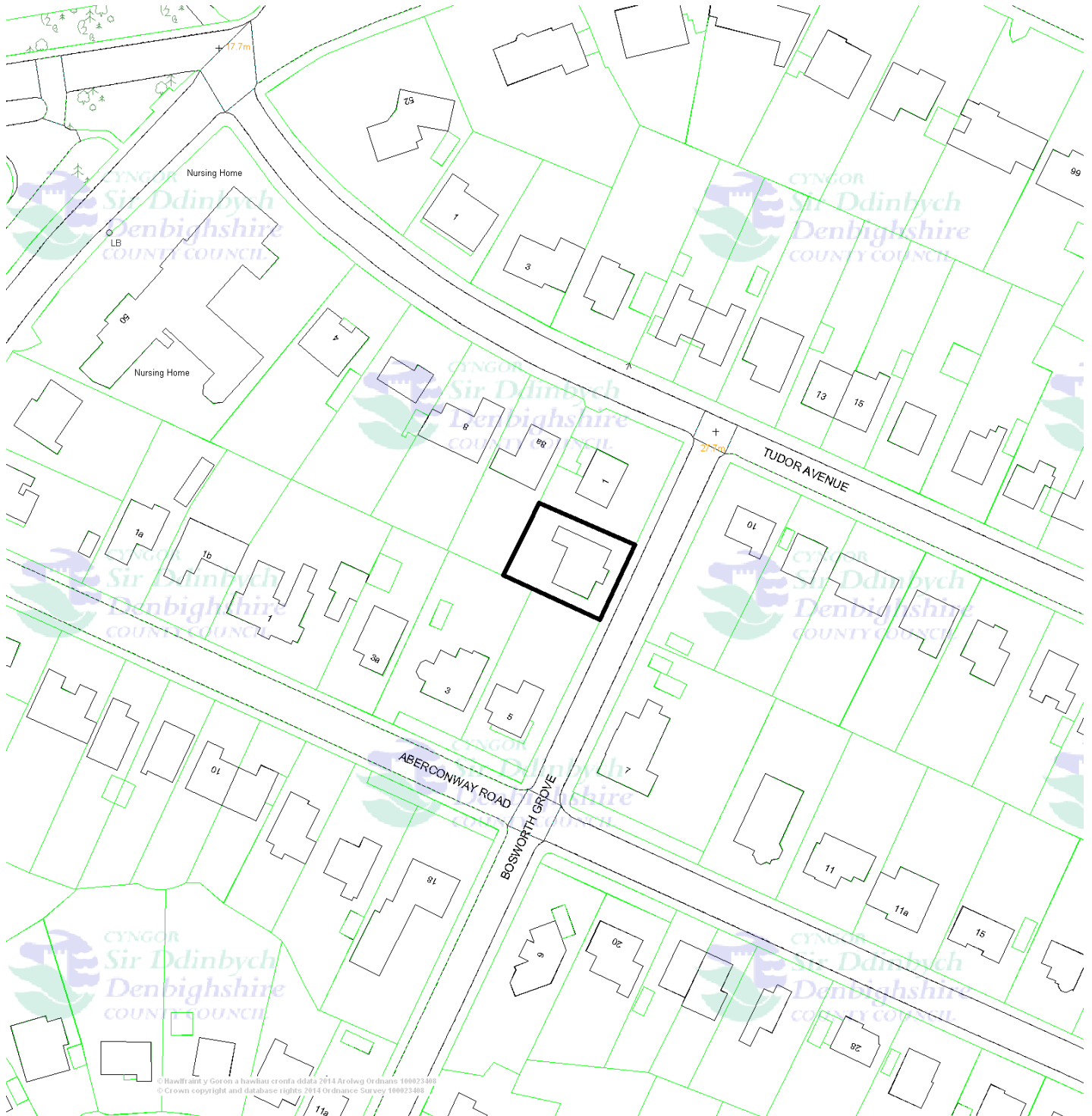
 Application Site



Date 27/4/2015
Centre = 307344 E 382927 N

Scale 1/1250

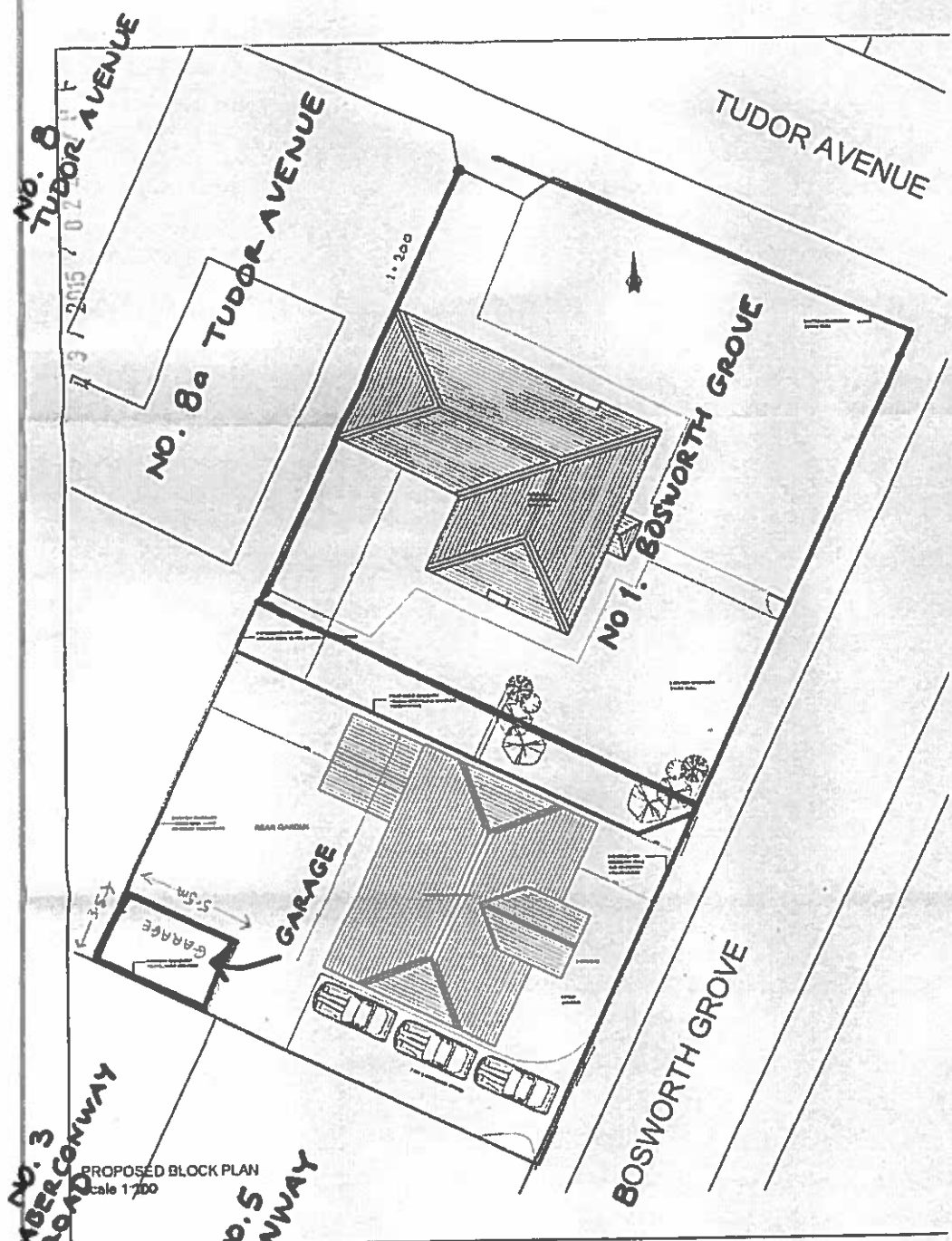
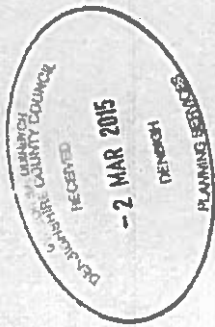
This plan is intended solely to give an indication of the LOCATION of the application site which forms the subject of the accompanying report. It does not form any part of the application documents, and should not be taken as representative of the proposals to be considered, which are available for inspection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



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PROPOSED PLANS



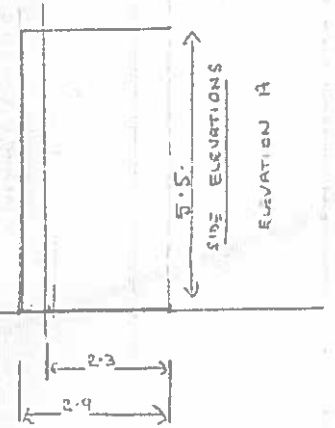
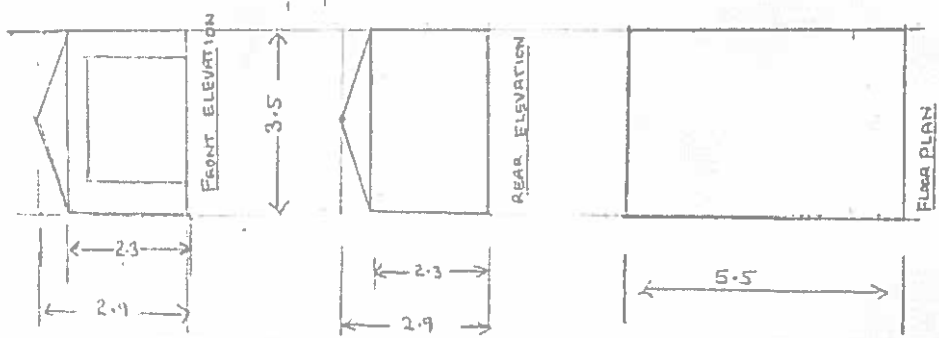
NO. 3
ABERCONWAY
ROAD

NO. 5
ABERCONWAY
ROAD

GARAGE TO BE BUILT
OF BRICK TO MATCH
HOUSE WITH LOW
PITCHED TILED ROOF

GARAGE
DETAILS

SCALE 1-100



WARD : Prestatyn East

WARD MEMBER(S): Cllr James Davies
Cllr Julian Thompson-Hill (c)

APPLICATION NO: 43/2015/0220/ PF

PROPOSAL: Erection of detached garage (partly in retrospect)

LOCATION: Land at 1 Bosworth Grove Prestatyn

APPLICANT: MrArthur Dean

PUBLICITY UNDERTAKEN: Site Notice – No
Press Notice –
NoNeighbour letters - Yes

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

- Member request for referral to Committee

CONSULTATION RESPONSES:
PRESTATYN TOWN COUNCIL “No objection”

RESPONSE TO PUBLICITY:

In objection

Representations received from:
J. Jones, 8, Tudor Avenue, Prestatyn

Summary of planning based representations in objection:

- The garage would be right against boundary fence. Fence in neighbours garden is approx, 1.8m in height. The garage is already under construction, and the wall as built is already 1m above the top of the fence, and once the roof is erected it would be approximately 3.8m above ground level, which would result in the structure being overbearing.
- Concern regarding the provision for rain water drainage.
- Background to development on this site is relevant. Following a number of refusals, the current 3 storey house was granted and it has little free ground space around, which is being further reduced by the proposed garage.
- The house and surrounding area are still not finished and the property remains unoccupied.

EXPIRY DATE OF APPLICATION: 26/04/2015

REASONS FOR DELAY IN DECISION (where applicable):

- awaiting consideration by Committee

PLANNING ASSESSMENT:

1. THE PROPOSAL:

1.1 Summary of proposals

- 1.1.1 The proposal is for a single storey detached pitched roof garage to the side and rear of a new build detached dwelling, which is nearing completion of construction. Construction of the garage has been commenced.

- 1.1.2 The garage would be 3.5metres wide by 5.5metres in length. The eaves height would be 2.3metres and the ridge height would be 2.9metres above the garden level of the plot.
- 1.1.3 The garage would be sited in the rear corner of the plot, and would be adjacent to the boundary with no. 8a Tudor Avenue and 3 Aberconway Road. The location and relationship between properties can best be appreciated from the plan at the front of the report.

1.2 Description of site and surroundings

- 1.2.1 The site is within the residential curtilage of a new build detached dwelling along Bosworth Grove, Prestatyn which nearing completion of construction. There are long established residential properties to the side and rear.
- 1.2.2 Land levels on the site are slightly higher than those to the north west on Tudor Avenue..

1.3 Relevant planning constraints/considerations

- 1.3.1 The site is within Prestatyn development boundary as defined in the Denbighshire Local Development Plan.

1.4 Relevant planning history

- 1.4.1 Several planning applications have been submitted for the development of the site for the erection of a dwelling since 1973. The permission which has been implemented was granted in 2005 and was for the erection of a 4-bedroom dwelling and construction of new vehicular and pedestrian access. No garage was shown on these plans.
- 1.4.2 The 2005 permission restricts permitted development rights and the applicant cannot install any additional windows or extend the dwelling or alter the roof without planning permission.
- 1.4.3 Permitted development rights allowing for the erection of outbuildings and other ancillary structures including garages were not restricted by condition, therefore the applicant can erect outbuildings and ancillary structures under Class E of the householder permitted development rights without the need for applying for planning permission once the dwelling is occupied.

1.5 Developments/changes since the original submission

- 1.5.1 None.

1.6 Other relevant background information

- 1.6.1 As stated in section 1.4 above, the grant of planning permission for a detached dwelling in 2005 did not remove permitted development rights for the erection of outbuildings within the residential curtilage and therefore once the dwelling is occupied, the applicant could erect an ancillary building in this location under permitted development rights.
- 1.6.2 The proposed garage is within 2metres of the boundary and therefore under permitted development rights, the applicant could erect a garage with a height of 2.5metres in this location without the need for planning permission once the dwelling is occupied. The proposed garage has a height of 2.9metres and is therefore 0.4metres (1foot 4inches) higher than what could be constructed under permitted development rights in.

2. DETAILS OF PLANNING HISTORY:

- 2.1 PRE/475/76: Erection of a detached bungalow. Granted 03/08/1973
- 2.2 2/PRE/0177/90/P: Two Storey Dwelling. Refused 17/07/1990
- 2.3 43/2004/0595 Development of 0.03 ha of land by erection of 1 dwelling and construction of new vehicular/pedestrian access (Outline application) Granted 01/09/2004
- 2.4 43/2004/1632: Erection of detached 4-bedroom dwelling and construction of new vehicular and pedestrian access. Granted 20/04/2005
- 2.5 43/2005/1117: Erection of detached 4-bedroom dwelling and construction of new vehicular and pedestrian access (amendment to Application Ref. No. 43/2004/1632/PF) Granted 23/11/2005.

3. RELEVANT POLICIES AND GUIDANCE:

The main planning policies and guidance are considered to be:

3.1 Denbighshire Local Development Plan (adopted 4th June 2013)

Policy RD 1 - Sustainable Development and Good Standard Design

Policy RD 3 - Extensions and Alterations to Dwellings

3.2 Supplementary Planning Guidance

Extensions to Dwellings SPG

Householder Development Design Guide SPG

Residential Space Standards SPG

3.3 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 Visual Amenity

4.1.3 Residential Amenity

4.1.4 Other matters

4.2 In relation to the main planning considerations:

4.2.1 Principle

Policy RD 3 advises that the extension or alterations to dwellings will be supported subject to compliance with detailed criteria. Extensions and alterations to dwellings are therefore considered acceptable in principle.

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. Criteria i) of Policy RD 3 the scale and form of the proposed extension or alteration is subordinate to the original dwelling, or the dwelling as it was 20 years before the planning application is made. Criteria ii) of Policy RD 3 requires that a proposals are sympathetic in design, scale, massing and materials to the character and appearance of the existing building.

The proposed garage would a detached single storey structure which would be situated in the rear corner of the plot. Whilst it would visible when passing the

driveway from along Bosworth Grove, it would be clearly subordinate in scale to the main dwelling house and would not be of a size that would result in an adverse impact to visual amenity.

Having regard to the design, siting, scale, massing and materials of the proposed extension, in relation to the character and appearance of the dwelling itself, the locality and landscape, it is considered the proposals would not have an unacceptable impact on visual amenity and would therefore be in general compliance with the policies.

4.2.3 Residential Amenity

Test vi) of Policy RD 1 requires that proposals do not unacceptably affect the amenity of local residents and land users and provide satisfactory amenity standards itself. Test iii) of Policy RD 3 requires that a proposal does not represent an overdevelopment of the site, to ensure that sufficient external amenity space is retained. The Extensions to Dwellings SPG states that no more than 75% of a residential curtilage should be covered by buildings and that 40m² of amenity space is provided. The Residential Space Standards SPG specifies that 40m² of private external amenity space should be provided as a minimum standard for residential dwellings.

With regards to the impact of the proposal on the residential amenity, the Householder Development Design Guide SPG states that garages should not impact detrimentally on the space about buildings and should be designed to take into account access and parking. Garages should not be over dominant in relation to the existing and surrounding properties.

A neighbour objection has been received which has raised concerns regarding the overbearing impact of the development when viewed from neighbours properties. The neighbour objection also notes there is already limited outdoor space serving the property, and the proposed garage would reduce this further.

As noted previously, permitted development rights for the construction of outbuildings and ancillary structures including garages have not been removed for this site, and therefore a garage with a height of 2.5metres could be built in this location under permitted development rights once the dwelling is occupied. The garage proposed has a height of 2.9metres, and is therefore 0.4metres higher than what could be constructed under permitted development rights. Officers consider this to be a material consideration in the assessment of the merits of the application.

The garage is proposed in the corner of the rear garden area, and the plans show that parking provision for 3 cars would still be retained within the residential curtilage. As a result of the proposed development, more than 40m² of private external amenity space would be retained and less than 75% of the site would be covered by buildings. Sufficient garden and parking space would therefore remain to serve the property, and the proposal would not compromise the amenity of future occupiers of the property.

The proposed garage would be built in the corner of the rear garden and would be immediately adjacent to the rear garden boundaries of 8a Tudor Avenue and 3 Aberconway Road. The garage would also be close to the rear garden boundary of 5 Aberconwy Road.

The garage would back on to the corner of the rear garden of 8a Tudor Avenue, and would be approximately 16m from the rear elevation of this house. The garage would also back on to the corner of rear garden of 3 Aberconwy Avenue and the garage would be approximately 17m from the rear elevation of this house.

On the site visit, Officers observed a conifer tree in the corner of the rear garden of 8a Tudor Avenue and a greenhouse structure in the rear garden of 3 Aberconway

Aveune close to the site boundary. It was also noted that the ground levels in the rear garden area of 8a Tudor Avenue appear to be slightly lower than the ground levels of the application site, and therefore the ridge height of the proposed garage would appear to be higher than the 2.9m when viewed from the garden of 8a Tudor Avenue.

In respecting the basis of the neighbour objection, given the separation distances between neighbouring properties and the proposed garage, and the depth of neighbouring rear garden areas, Officers do not consider the development would overshadow neighbouring dwellings or significantly overshadow neighbouring garden areas.

Whilst the garage would be visible from the rear garden areas of neighbouring properties and there appears to be a slight difference in ground levels between the application site and neighbouring rear gardens, given the depth of neighbouring rear gardens and the height, size and scale of the proposed garage, Officers do not consider the development would have an overbearing impact on neighbouring properties to the degree that it would unacceptably spoil their quiet enjoyment of private rear garden areas. Officers also consider the existing conifer tree in the rear garden of 8a Tudor Avenue and the greenhouse structure in the rear garden of 3 Aberconway Avenue would help to screen views of the proposed garage.

In conclusion, having regard to the scale, location and design of the proposed development, Officers consider the proposed garage would not have an unacceptable impact on residential amenity, and would therefore be in general compliance with the policies listed above.

4.2.4 Other matters

With regard to the neighbour concerns over the rainwater disposal, this could be dealt with by imposition of a suitable condition if planning permission is granted. It is likely that the drainage would connect to a soakaway in the rear garden of the property.

5. SUMMARY AND CONCLUSIONS:

- 5.1 The proposal is for a detached single storey pitched roof garage which would be sited close to the rear garden boundary shared with neighbouring properties.
- 5.2 Whilst the garage would be visible from the rear gardens of neighbouring properties, having regard to the size, scale and location of the proposed development, Officers do not consider the proposed development would unacceptably overshadow neighbouring properties or garden areas and do not consider it would have an overbearing impact when viewed from neighbouring properties.
- 5.3 The proposal is therefore considered to be acceptable and is recommended for grant.

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 garage shall not be permitted to be brought into use until the written approval of the Local Planning Authority has been obtained for the details of the means of capturing and disposing of roof water from the garage, and the approved details have been implemented.

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 order that appropriate arrangements are made for the disposal of roof water.

NOTES TO APPLICANT:

None