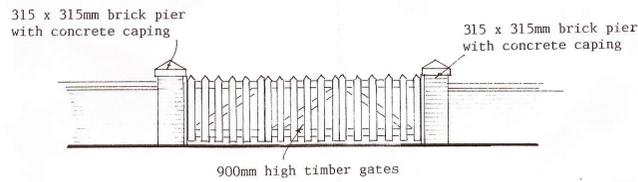
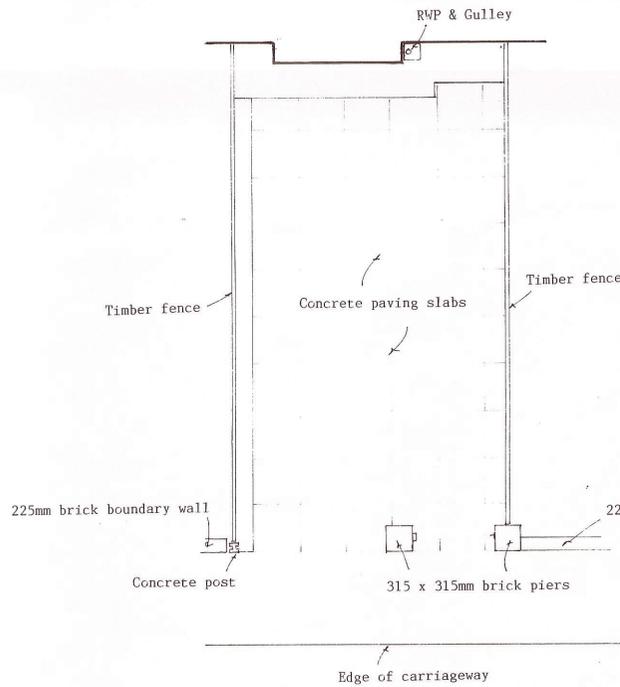


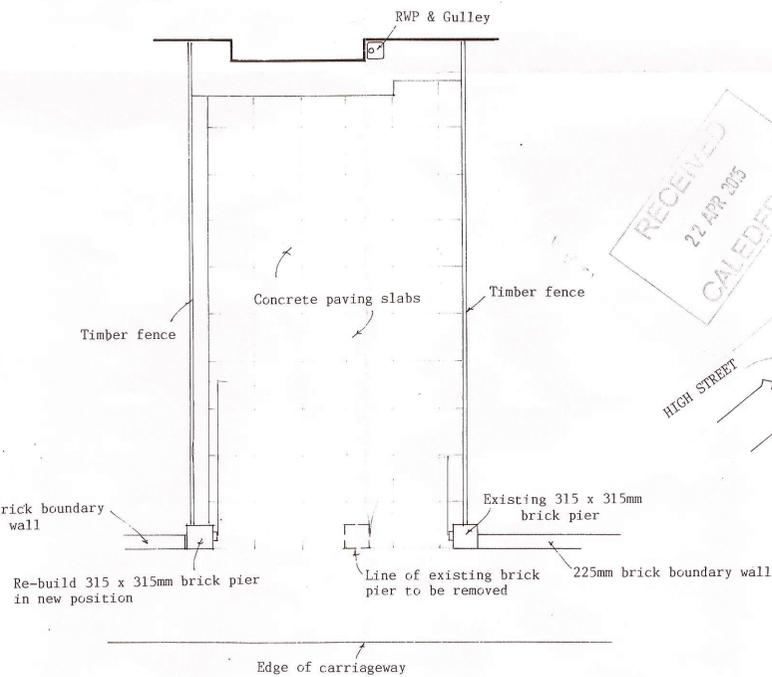
Existing Front Elevation



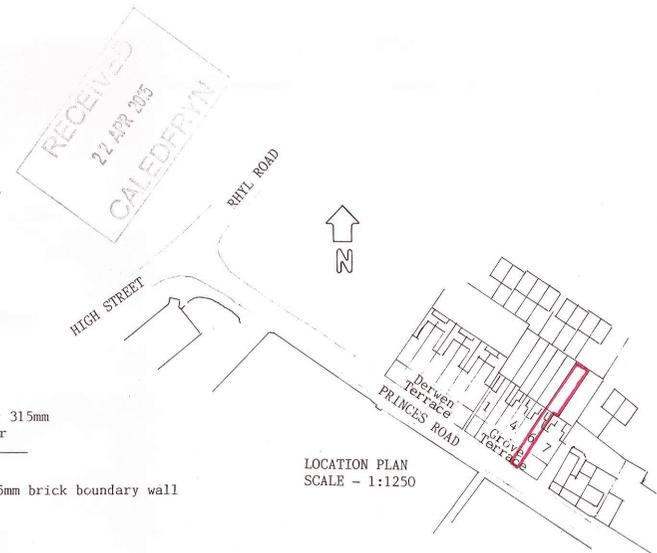
Proposed Front Elevation



EXISTING PLAN



PROPOSED PLAN



PROPOSED VEHICULAR ACCESS AT  
6 GROVE TERRACE, PRINCES ROAD,  
RHUDDLAN. SCALE - 1:50.



**WARD :** Rhuddlan

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

**APPLICATION NO:** 44/2015/0364/ PF

**PROPOSAL:** Relocation of brick pillar and installation of wooden gates

**LOCATION:** 6, Grove Terrace Princes Road Rhuddlan Rhyl

**APPLICANT:** MrKeith Smith

**CONSTRAINTS:** Conservation Area

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

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

- Member request for referral to Committee

**CONSULTATION RESPONSES:**

RHUDDLAN TOWN COUNCIL  
No objection

DENBIGHSHIRE COUNTY COUNCIL CONSULTEES –  
Highways Officer  
No objection subject to conditions relating to detailing

**RESPONSE TO PUBLICITY:**

In support  
Representations received from:  
Stacey Hesford

**EXPIRY DATE OF APPLICATION: 16/06/2015**

**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 the relocation of a brick pillar to replace an existing post and the installation of timber gates across what would in effect be a vehicular access onto the site. The relocated pillar would demark the boundary of the property with the neighbouring dwelling.

1.1.2 The pillar is one of a pair to the front boundary which currently form a pedestrian access point.

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 the 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 and the Rhuddlan Conservation Area.

### 1.4 Relevant planning history

1.4.1 The creation of the access has previously been refused retrospective permission at Planning Committee, and this was subsequently dismissed at appeal. An enforcement appeal seeking to remove the requirement to re-instate the front boundary wall was also dismissed.

1.4.2 There have been a number of planning applications and 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 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 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.

1.4.6 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 was not 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 Part of the front boundary wall has been removed at the site. Having regard to relevant legislation, guidance and case law, officers understanding is that the Local Planning Authority are unable to take action against this partial removal. The removal of the remaining pillar from its original position would result in the substantial demolition of the original structure.

1.6.2 It is Officers opinion that the piecemeal removal of the front boundary wall does not mean that the proposed development is outside planning control.

1.6.3 The partial removal to date has not provided a sufficient gap to provide a vehicular access to the front of the property. The relocation of the pillar would allow sufficient space to enable vehicular access for off road parking to the front of the property.

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

2.1 44/2009/1500 - Construction of a new vehicular access involving removal of frontage wall (retrospective application) REFUSED 24<sup>th</sup> 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.”

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

The main planning policies and guidance are considered to be:  
Denbighshire Local Development Plan (adopted 4<sup>th</sup> 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  
Policy RD 3 advises that the extension or alterations to existing dwellings will be supported subject to compliance with detailed criteria. Appropriate extensions and alterations to existing dwellings may therefore be 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. 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 through the refusal of planning permission, defending a planning appeal and defending an 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 through the determination of applications and appeals, it is considered that the loss of the original boundary treatment to the front of this property would be harmful to the conservation area. The proposal would result in the property having shared pillars demarking the boundary with neighbouring residential properties however no original front boundary treatment demarking the front boundary would remain. It is not considered that the installation of a timber gate would mitigate this loss. It is therefore considered that the proposals 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.

Officers note that part of the wall can be removed without permission but do not consider that this justifies the proposal that has now been submitted.

#### 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 subject to conditions.

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

## 5. SUMMARY AND CONCLUSIONS:

- 5.1 The proposal would have a detrimental impact of the character and appearance of the conservation area and is therefore recommended for refusal.

**RECOMMENDATION: REFUSE-** for the following reasons:-

The reason is :-

1. It is the opinion of the Local Planning Authority, that proposed development, by virtue of design and appearance of the proposed front boundary treatment, would have a detrimental impact on the character and appearance of the Conservation Area and the locality, 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