





**WARD :** Rhuddlan

**WARD MEMBERS:** Councillors Arwel Roberts (c ) and Ann Davies

**APPLICATION NO:** 44/2017/0055/PF

**PROPOSAL:** Erection of detached dwelling

**LOCATION:** Land at 31 Princes Park Rhuddlan Rhyl

**APPLICANT:** Mr & Mrs Ashley & Kirsty Francis

**CONSTRAINTS:** None

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

**REASON(S) APPLICATION REPORTED TO COMMITTEE:**

**Scheme of Delegation Part 2**

- Member request for referral to Committee by Councillor Arwel Roberts

**CONSULTATION RESPONSES:**

RHUDDLAN TOWN COUNCIL –

“Objection on the grounds that the living room upstairs will be overlooking other properties.”

CLWYD POWYS ARCHAEOLOGICAL TRUST –

Confirm that there are no archaeological implications for the proposed development at this location, following the prior archaeological evaluation which did not locate any significant sub-surface archaeology.

NATURAL RESOURCES WALES –

No objection.

DWR CYMRU WELSH WATER –

Standard comments relating to water discharge and sewerage.

DENBIGHSHIRE COUNTY COUNCIL CONSULTEES

Highway Officer –

No objection.

**RESPONSE TO PUBLICITY:**

In objection

Representations received from:

- (i) Gail Parry, Garthwen, Abbey Road, Rhuddlan
- (ii) Mr G Parry, High Groft, Abbey Road, Rhuddlan

Summary of planning based representations in objection:

- (i) Overshadowing;
- (ii) Loss of privacy.

**EXPIRY DATE OF APPLICATION: 14/03/2017**

**REASONS FOR DELAY IN DECISION (where applicable):** No delay

**PLANNING ASSESSMENT:**

## **1. THE PROPOSAL:**

### **1.1 Summary of proposals**

- 1.1.1 The proposal seeks consent to construct a two-storey detached house on land currently forming the rear garden of 31 Princes Park, adjacent to the boundary with the rear garden of houses to the west at High Croft and Garthwen.
- 1.1.2 The property is indicated as having a hall, two bedrooms, two bathrooms and a utility on the ground floor with all the primary living space on the first floor comprised of a lounge, kitchen/dining area and wc along with a balcony to the front (south) elevation. The dwelling would have a ridge height of 7.3 metres and it is proposed to use brickwork for the walls, with a grey tiled roof.
- 1.1.3 The design of the house seeks to provide the major windows on the front (south) elevation for the lounge and largest bedroom, with windows to the rear confined to the ground floor only for the smaller bedroom, utility and wc. Side-facing windows on the property are provided on the ground floor for the utility and one of the bathrooms along with windows to each side on the first floor for the main kitchen/dining area.
- 1.1.4 The house is sited within 1 metre of the back garden of the houses to the west and within 8 metres of the rear of the applicant's house to the east at 31 Princes Park, and would lie 17.5 metres from the main rear elevation of High Croft to the west.
- 1.1.5 The scheme would serve to subdivide the existing rear garden of 31 Princes Park to leave the existing house with a main back garden depth of 5.5 metres, along with amenity space to the side, and with the new house having a rear garden of 9 metres in depth by 10 metres in width.
- 1.1.6 The plans at the front of the report show the basic details, to assist consideration of the application.

### **1.2 Description of site and surroundings**

- 1.2.1 The site is currently the main portion of the rear garden for the existing house at 31 Princes Park and fronts the side track to the south with the main house facing to the east onto the road.
- 1.2.2 The site backs onto the rear garden of 29 Princes Park and has the back gardens of High Croft and Garthwen to the west.
- 1.2.3 There are open fields across the track to the south.

### **1.3 Relevant planning constraints/considerations**

- 1.3.1 The site is within the development boundary for Rhuddlan as designated in the Local Development Plan.

### **1.4 Relevant planning history**

- 1.4.1 One previous application for a dwelling was withdrawn in July 2016.

### **1.5 Developments/changes since the original submission**

- 1.5.1 None.

### **1.6 Other relevant background information**

- 1.6.1 The agent for the scheme entered into discussions with officers after the withdrawal of the previous application to seek to address the concerns outlined by the Council when considering the previous proposal - which was withdrawn. However, no agreement was reached and the application was resubmitted.
- 1.6.2 The agent has pointed to a number of examples in Rhuddlan of what is perceived as being similar infill development; however none of these are on backland sites and are set between existing ribbons of built development with the same orientation, unlike

the subject proposal which is set between the rear elevations of existing houses.

## 2. DETAILS OF PLANNING HISTORY:

2.1 44/2016/0579 - Erection of detached dwelling: Withdrawn 26/07/2016 following a request by CPAT for a pre-evaluation archaeological assessment and concerns expressed by the Local Planning Authority in an email on 25 July 2016 regarding the detailing of the proposed two-storey dwelling and its relationship with adjacent properties.

## 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 RD1** – Sustainable development and good standard design

**Policy BSC1** – Growth Strategy for Denbighshire

**Policy BSC3** – Securing Infrastructure Contributions from Development

**Policy BSC4** – Affordable Housing

**Policy BSC11** – Recreation and Open Space

**Policy ASA3** – Parking standards

3.2 Supplementary Planning Guidance

SPG – Access for All

SPG – Residential Space Standards

SPG – Residential Development Design Guidance

SPG – Residential Development

SPG – Parking Requirements in New Developments

SPG – Planning Obligations

SPG – Trees and Landscaping

3.3 Government Policy / Guidance

Planning Policy Wales (Edition 9) November 2016

Development Control Manual November 2016

Technical Advice Notes

Circulars

3.4 Other material considerations

None

## 4. MAIN PLANNING CONSIDERATIONS:

In terms of general guidance on matters relevant to the consideration of a planning application, Planning Policy Wales Edition 9, 2016 (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' (PPW section 3.1.3). 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 (PPW section 3.1.4). Development Management Manual 2016 states that material considerations 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 (DMM section 9.4).

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 Highways (including access and parking)

4.1.5 Recreation and Open Space

4.1.6 Archaeology

Other matters

4.2 In relation to the main planning considerations:

4.2.1 Principle

The main policy in the Local development Plan which is relevant to the principle of housing development in towns is BSC1 which seeks to make provision for new housing in a range of locations, concentrating development within identified development boundaries. Policy RD1 states that development proposals within development boundaries will be supported subject to compliance with detailed criteria.

The proposal would therefore be acceptable in terms of the general principles of these Development Plan policies. The acceptability of the particular scheme rests on the acceptability of the impact on amenity, privacy, highways and any other relevant factors.

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.

Paragraph 6.45 of the SPG on Residential Development states that sufficient private garden space should be left after any development to ensure that enough space is kept between neighbouring properties so as to prevent a cramped, overcrowded feel to the area. In regard to balconies, Paragraph 6.47 advocates that such a feature should not dominate the character of the property or its appearance as viewed from the street.

The proposed two-storey house would have a ridge height of 7.3 metres and a large balcony sited within 1 metre of the site frontage. The side elevation of the house would be set 8.0 metres from the rear of the house to the east and within 1 metre of the site boundary to the west, with the existing property having a dramatically reduced rear garden area as a result of the scheme.

It is concluded with regard to the above that the development fails to comply with Policy RD 1 and the SPG in that it would present a cramped visual appearance in close proximity to the site frontage and with the front balcony dominating the main façade. It is considered the development would therefore be harmful to the visual amenity of the area and would detract from the character and appearance of the area.

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.

Paragraph 7.92 of the SPG on Residential Development requires new development to pay due regard to the residential amenity standards set out for householder development in Section 6. Paragraph 6.41 states that new built houses should not overlook neighbouring houses or gardens, with at least 21 metres being achieved between habitable room windows and at least 15 metres separation between a wall with no habitable room windows and a wall with habitable room windows.

There are individual objections to the application based on unacceptable overlooking and loss of privacy, and the Community Council have objected on the basis of overlooking from the upstairs living room.

In Officers' opinion, the siting of the house at only 1 metre from the rear garden boundary of High Croft and Garthwen to the west would appear overpowering to the occupiers of those houses and result in a substantial loss of amenity by way of its overbearing impact. Furthermore, the siting of the house with its first floor window within 1 metre of the western boundary would also result in a substantial loss of privacy to the occupiers, and there would be a separation distance of only 17.5 metres between habitable room windows instead of the minimum of 21 metres recommended in the SPG.

In addition, the house as proposed also has a first floor habitable room window facing to the east only 2.5 metres off the proposed garden boundary with 31 Princes Park with a separation distance of 8.0 metres to the closest part of the rear elevation of the existing house, which is significantly below the 21 metres referred to.

Overall, the scheme is considered likely to cause a substantial degree of harm to the occupiers of the houses to the west and east by way of overlooking and overshadowing, resulting in a loss of privacy and amenity to a level which would justify a refusal of permission, contrary to the requirements of Policy RD 1 and the SPGs relating to residential developments.

#### 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 no objection and the scheme is therefore adjudged to be acceptable in this regard.

#### 4.2.5 Recreation and Open Space

Policy BSC 3 of the local development plan sets the basic requirement for development to contribute, where relevant, to the provision of infrastructure, including recreation and open space, in accordance with Policy BSC 11.

Policy BSC 11 specifies that all housing developments should make adequate provision for recreation and open space. All such schemes put increased demand on existing open spaces and facilities and therefore the policy applies to all developments including single dwellings. At the time of this report being prepared, for single dwellings the payment of a commuted sum of £1237.22 was required.

The development is therefore considered to be able to comply with the requirements of Policies BSC 3 and BSC 11 via a suitable condition if permission is to be considered.

#### 4.2.6 Archaeology

Local Development Plan Policy RD 1 test (iii) requires development to protect and where possible to enhance the local natural and historic environment. Planning Policy Wales (Section 6.5) sets out a range of considerations to be given to the assessment of archaeological issues, including approaches to recording and investigating potential remains in conjunction with new development. Welsh Office Circular 60/96 provided earlier advice on the importance of archaeological matters in the planning process, stressing the need for due assessment of the nature and importance of any features and their setting.

Following the withdrawal of the previous scheme, a pre-evaluation assessment was undertaken and this has been submitted with the application. CPAT have confirmed the assessment is acceptable.

No objection is therefore raised to the development in respect of the impact on the archaeological interests of the area.

#### Other matters

##### Well – being of Future Generations (Wales) Act 2015

The Well-being of Future Generations (Wales) Act 2015 imposes a duty on the Council not only to carry out sustainable development, but also to take reasonable steps in exercising its functions to meet its sustainable development (or well-being) objectives. The Act sets a requirement to demonstrate in relation to each application determined, how the development complies with the Act.

The report on this application has been drafted with regard to the Council's duty and the "sustainable development principle", as set out in the 2015 Act. The recommendation takes account of the requirement to ensure that present needs are met without compromising the ability of future generations to meet their own needs. It is therefore considered that there would be no significant or unacceptable impact upon the achievement of well-being objectives as a result of the proposed recommendation.

## **5 SUMMARY AND CONCLUSIONS:**

5.1 The application is considered unacceptable due to its significant adverse impact on visual and residential amenity and is recommended to be refused.

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

The reasons for the conditions are:-

1. The Local Planning Authority consider the proposed development is unacceptable in that the detailing of the dwelling would have an adverse impact on the visual amenities, character and appearance of the area, in particular the height of the building and the balcony to the front. The balcony would be sited within 1 metre of the boundary with the private garden of No 31 Princes Park; and the side elevation of the house would be set only 8 metres from the nearest part of the rear of No. 31. The impacts are considered to be in conflict with Policy RD 1 of the Denbighshire Local Development Plan and the Council's adopted Supplementary Planning Guidance note 'Residential Development'.
2. The Local Planning Authority consider the proposed development is unacceptable in that the dwelling would have an adverse impact on the residential amenities of occupiers of adjacent dwellings. The siting of the proposed house at only 1 metre from the rear garden boundary of High Croft and Garthwen to the west would appear overbearing for the occupiers of those houses; and there would be loss of privacy for occupiers of these dwellings from the location of a first floor habitable room window within 1 metre of the western boundary with a separation distance of 17.5 metres to an existing habitable room window; and the location of a first floor habitable room window facing to the east only 2.5 metres off the proposed garden



boundary with 31 Princes Park with a separation distance of 8 metres between the elevations. The impacts are considered to be in conflict with Policy RD 1 of the Denbighshire Local Development Plan and the Council's adopted Supplementary Planning Guidance note 'Residential Development'.