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18/2017/0936

Scale: 1:1250

Printed on: 31/10/2017 at 13:33 PM

PROPOSED PLANS

NOTES

1. All construction shall be in accordance with the latest edition of the National Building Code of Canada (NBCC) and the Ontario Building Code (OBC).

2. The proposed structure shall be constructed in accordance with the latest edition of the International Building Code (IBC) and the Ontario Building Code (OBC).

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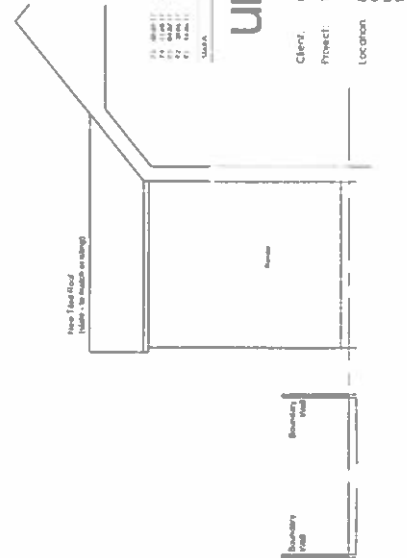
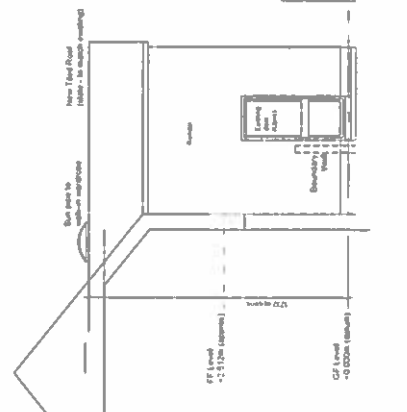
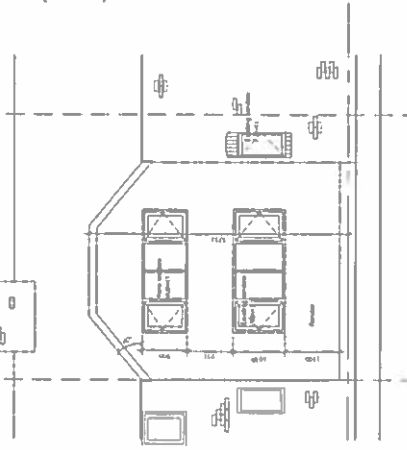
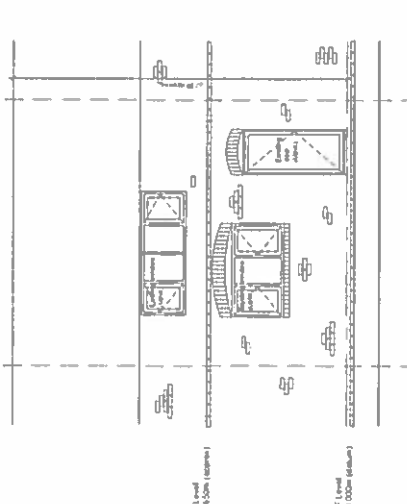
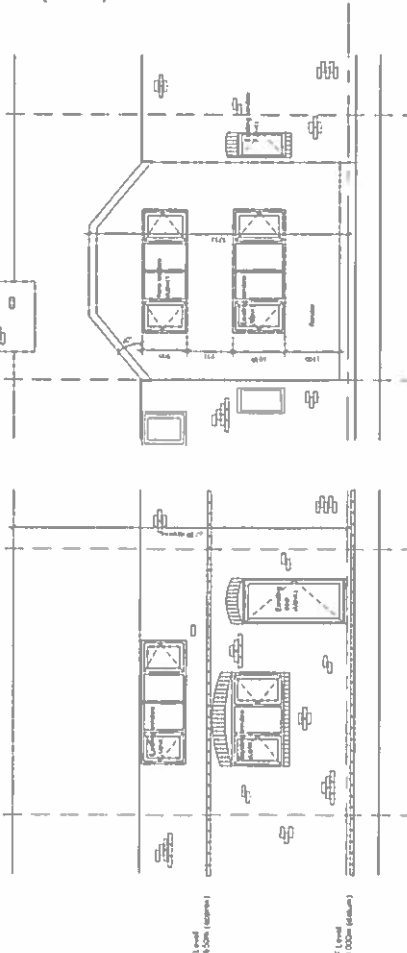
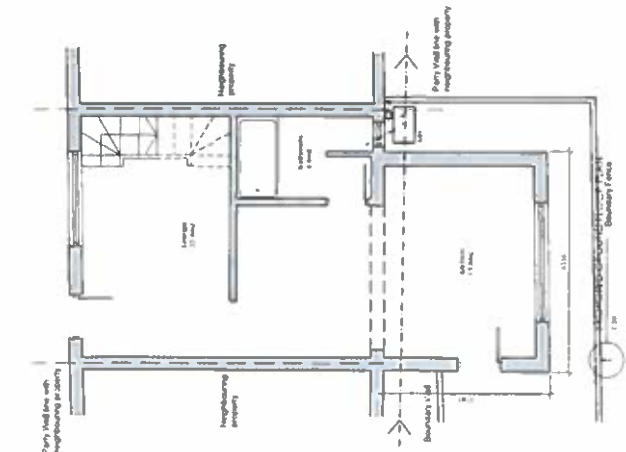
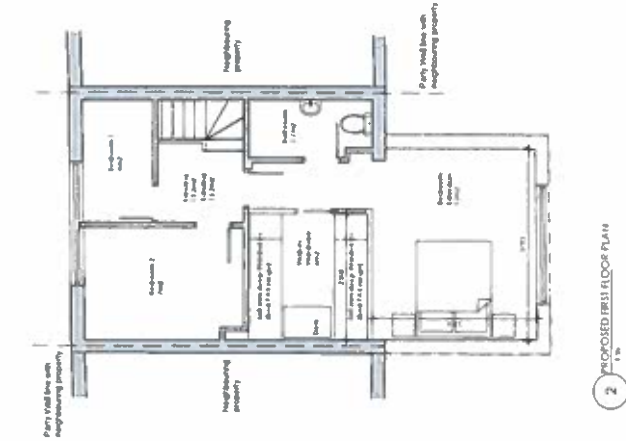
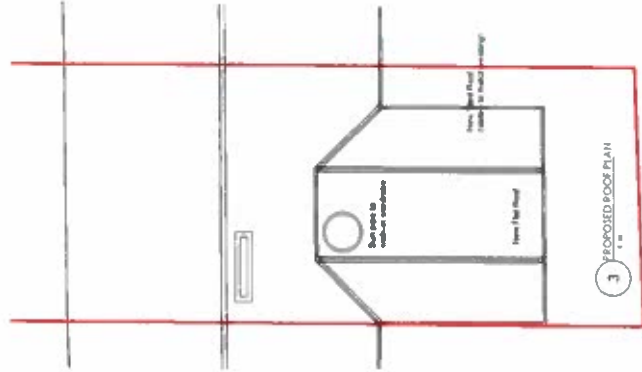
6. The proposed structure shall be constructed in accordance with the latest edition of the International Building Code (IBC) and the Ontario Building Code (OBC).

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10. The proposed structure shall be constructed in accordance with the latest edition of the International Building Code (IBC) and the Ontario Building Code (OBC).



unit³

Client: Mr & Mrs Patten
Project: 177000 Pengecroft
Location: Deer Cottage
Design: Mr & Mrs Patten
Architect: Mr & Mrs Patten
Date: April 2017
Scale: 1/50 N.A.S.
Drawn: L.W. Checked: M.S.

EXISTING PLANS

NOTES

1. All work shall be in accordance with the latest edition of the Building Code of Australia (BCA) and the relevant standards.

2. The design is based on the information provided by the client and the site survey. It is the responsibility of the client to ensure that the information is accurate and complete.

3. The design is for a single-story residential building. It is not intended for use as a multi-unit residential building.

4. The design is for a building that is to be constructed on a lot of 1000 square meters. It is not intended for use on a smaller lot.

5. The design is for a building that is to be constructed on a lot that is not adjacent to a road. It is not intended for use on a lot that is adjacent to a road.

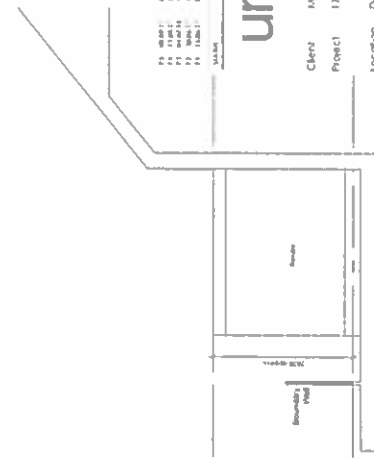
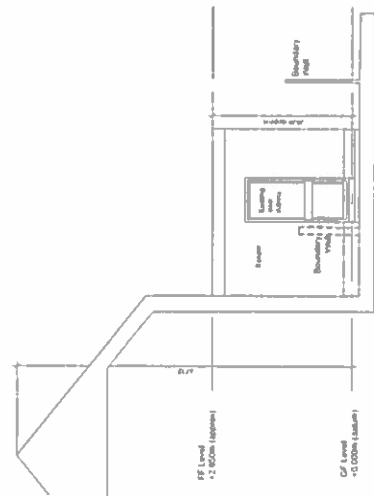
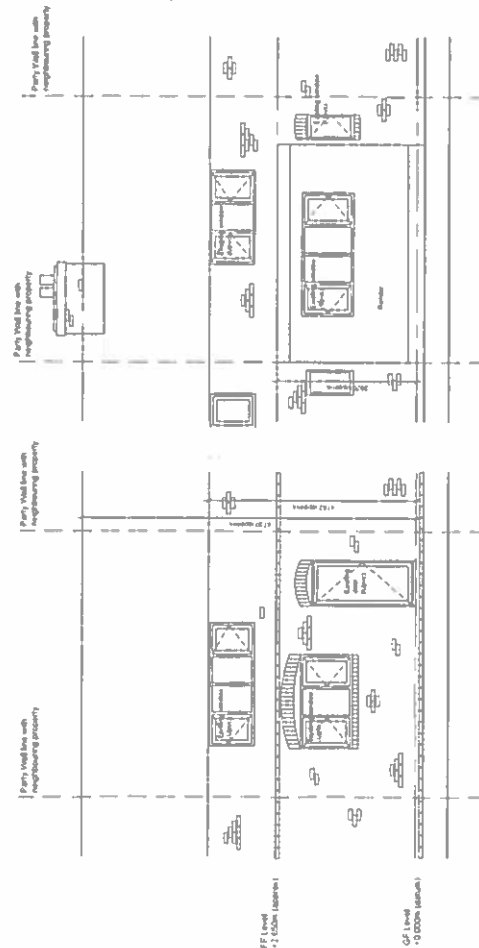
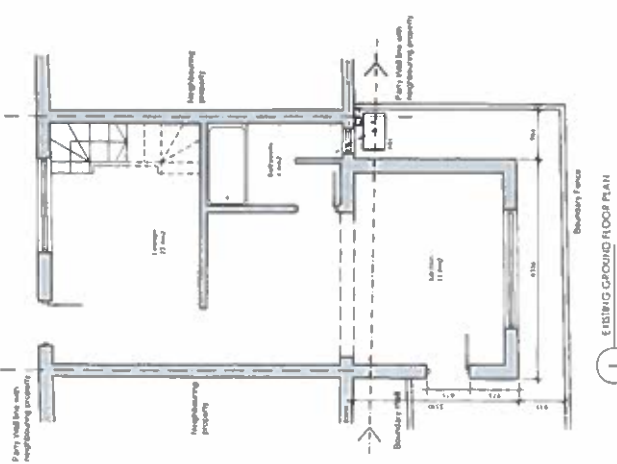
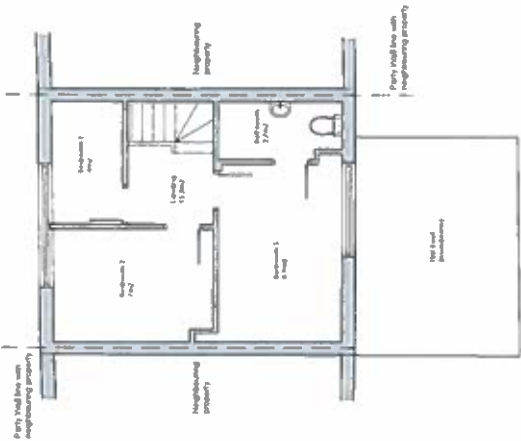
6. The design is for a building that is to be constructed on a lot that is not adjacent to a boundary. It is not intended for use on a lot that is adjacent to a boundary.

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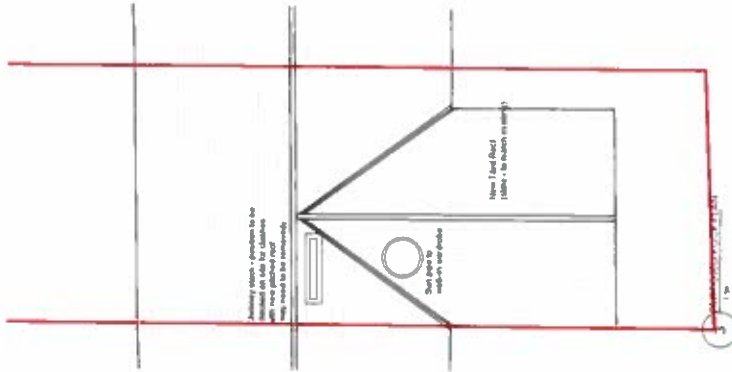
unit 3

Client: Mr & Mrs Brown
Project: 177000 Perrygoon
Location: Dairy Cottage
Permit: 177000 Perrygoon
Dwg No: A1-10001
Dwg Name: Existing Plans and Elevations
Revision: P5
Scale: 1:50 in A1
Date: June 2017
Drawn: AF
Checked: MB

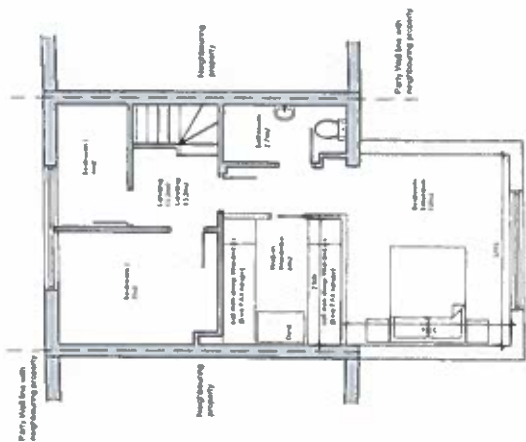
PLANS SUBJECT TO
PREVIOUS REFUSAL
18/2017/0663

Client: Mr & Mrs J. Smith
Project: New 2 Bed House
Location: 100m from
Boundary
Drawing No: 10001
Drawing Name: Proposed Plans and Elevation
Elevation: 100m
Scale: 1:50
Date: 18/08/2017
Drawn by: J. Smith

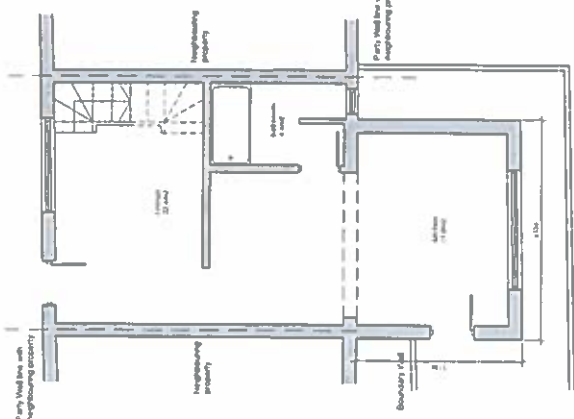
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1. All work shall be in accordance with the Building Regulations 2010.
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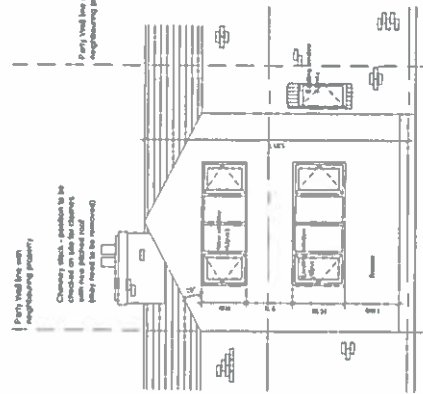
PROPOSED NEW LOCATION PLAN



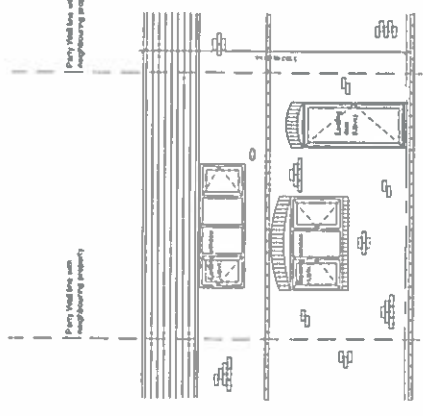
PROPOSED FIRST FLOOR PLAN



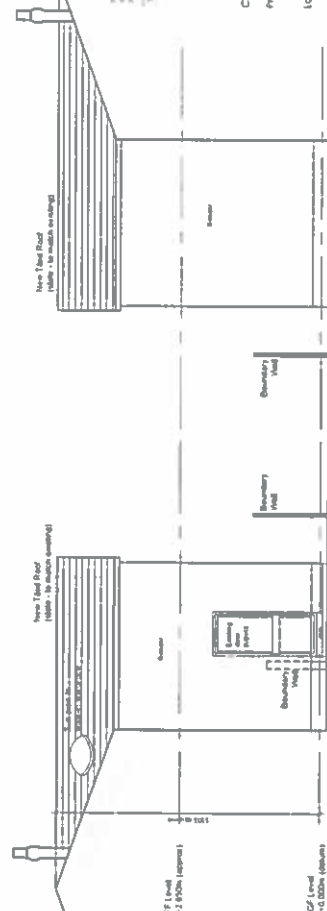
PROPOSED GROUND FLOOR PLAN



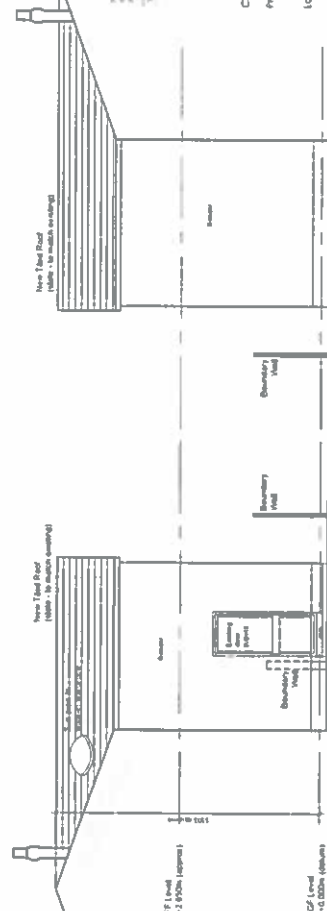
PROPOSED REAR ELEVATION (EAST)



PROPOSED FRONT ELEVATION (WEST)



PROPOSED SIDE ELEVATION (SOUTH)



PROPOSED SIDE ELEVATION (NORTH)

WARD : Llandyrnog

WARD MEMBER(S): Cllr Merfyn Parry (c)

APPLICATION NO: 18/2017/0936/ PF

PROPOSAL: Erection of extension and alterations to dwelling

LOCATION: 2 Penygroes Llandyrnog Denbigh

APPLICANT: Mr & Mrs Raven

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

REASON FOR DELEGATED DECISION
Scheme of Delegation Part 1, Section 1.1

CONSULTATION RESPONSES:

LLANDYRNOG COMMUNITY COUNCIL

No comments received at the time of writing the Committee Report

RESPONSE TO PUBLICITY:

In objection

Representations received from:

Simon Roberts, Camara House, Llandyrnog (O)

Summary of planning based representations in objection:

Impact on residential amenity

The size of the extension will impact on the natural light coming in to both the upstairs bathroom, bedroom and the kitchen. The sun study is noted however the proposed extension is so close (a matter of inches) to both the downstairs and upstairs Windows it will impact substantially on the quality of light and make the rooms darker.

The property presently has a view from the bathroom and bedroom and the extension will obliterate the view in its entirety and make the rooms feel smaller as a result.

Visual amenity

The extension is not in keeping with area and the other 3 properties in the row of 4 none of which have 2 story extensions

EXPIRY DATE OF APPLICATION: 19/11/2017

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 first floor extension above an existing single storey extension to the rear of the property. Its external dimensions are 4.3m by 3.3m.
- 1.1.2 The roof is proposed to be finished in slate and walls would be rendered to match existing single storey extension finish.
- 1.1.3 The plans are at the front of the report.
- 1.1.4 In addition to the site, floor and elevation plans, the application is supported by 3D Sun Study plan which shows the predicted shadow pattern cast from the extension at different times of the day during summer and winter.
- 1.1.5 The member request for referral of the application to Committee is to allow consideration of the impact of the extension on the adjacent property.

1.2 Description of site and surroundings

- 1.2.1 The application site is one of a terrace of 4 cottages situated along the B5429 to the north of Llandyrnog close to the roundabout junction with Whitchurch Road, leading from Denbigh.
- 1.2.2 The cottages are of brick construction with slate roofs.
- 1.2.3 There is a slightly unusual configuration of garden areas to the rear of the properties at Penygroes, as will be seen from the plans
- 1.2.4 The cottage at No. 2 has an existing single storey rear extension, which has a flat roof and rendered walls, and is located along the boundary with no. 1 Penygroes. It has a rear door which opens up into its rear garden, which extends at a 90 degree angle to the rear of the neighbouring property..
- 1.2.5 The neighbouring property has only a relatively a small area of land immediately to the rear of the dwelling.
- 1.2.6 There is a shared access drive to the rear of 1 and 2 Penygroes.
- 1.2.7 None of the terrace properties in the row have 2 storey rear extensions.

1.3 Relevant planning constraints/considerations

- 1.3.1 The site is outside any development boundaries as defined in the Local Development Plan.
- 1.3.2 The site is within the Vale of Clwyd Historic Landscape Area.

1.4 Relevant planning history

- 1.4.1 Planning permission was refused for a first floor extension above the existing single storey extension in August 2017. The application was refused due to adverse impact on the residential amenity of neighbouring properties due to overshadowing of windows in rear elevations of neighbouring properties and an overbearing impact.
- 1.4.2 The current application is a revision to the previously refused scheme. The main amendment is a reduction in the height of the roof proposed, which is changed from a conventional pitched roof to one with a form of 'double' pitch – as can be seen on the plans.
- 1.4.3 Details of the previously refused scheme are also included at the front of the report.

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 18/2017/0667. Erection of extension and alterations to dwelling. Refused 10/08/2017

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 RD3 – Extensions and alterations to existing dwellings

3.2 Supplementary Planning Guidance

SPG Residential Development

SPG Residential Space Standards

3.3 Government Policy / Guidance

Planning Policy Wales Edition 9 November 2016

Development Control Manual

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' (Section 3.1.3). It advises that material considerations '... must be planning matters; that is, they must be relevant to the regulation of the development and use of land in the public interest, towards the goal of sustainability' (Section 3.1.4).

The 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 (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

4.2 In relation to the main planning considerations:

4.2.1 Principle

Policy RD 3 relates specifically to the extension and alteration of existing dwellings, and states that these will be supported subject to compliance with detailed criteria. Policy RD1 supports development proposals within development boundaries providing a range of impact tests are met.

The Residential Development SPG offers basic advice on the principles to be adopted when designing domestic extensions and related developments.

The principle of appropriate extensions and alterations to existing dwellings is therefore acceptable. The assessment of the specific impacts of the development proposed is set out in the following sections.

4.2.2 Visual Amenity

Criteria i) of Policy RD 3 requires the scale and form of the proposed extension or alteration to be 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 proposal is sympathetic in design, scale, massing and materials to the character and appearance of the existing building. Criteria iii) of Policy RD3 requires that a proposal does not represent an overdevelopment of the site.

The impact of the proposals on visual amenity is therefore a basic test in the policies of the development plan.

Representations on the visual amenity impacts have been made by the owner of the neighbouring property raising concerns that the extension is not in keeping with the area or the other properties in the row, as none of the other properties have two storey extensions.

The proposal is for a first floor extension to be erected above an existing flat roof single storey extension. The proposed extension would have a form of 'double pitch' slate roof and rendered walls to match the finish of the existing single storey extension. The existing walls of the original dwelling and neighbouring properties are facing brick.

The dwelling is a mid terrace unit and forms part of a small row of terrace cottages along the B4529. The rear of the property is visible from the approach along Whitchurch Road leading from Denbigh towards the roundabout junction with the B5429. Whilst some of the terrace houses have flat roof single storey extensions, none have two storey extensions to the rear, and it is considered the proposed extension would have some visual impact when viewed from along Whitchurch Road, emphasised by the proposed use of render on the external walls. However, as the proposal is a first floor extension above an existing rendered single storey extension to the rear of the property which does not directly front a highway, the impact on visual amenity in itself is not considered to be significant enough to warrant a recommendation of refusal.

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, Officers would consider the proposals would not have an unacceptable impact on visual amenity and would therefore be in general compliance with the tests in the policies referred to.

4.2.3 Residential Amenity

Planning Policy Wales 3.1.4 confirms that factors to be taken into account in making planning decisions (material considerations) must be planning matters; that is, they must be relevant to the regulation of the development and use of land in the public interest, towards the goal of sustainability. The residential amenity impacts of a development proposal are a material consideration.

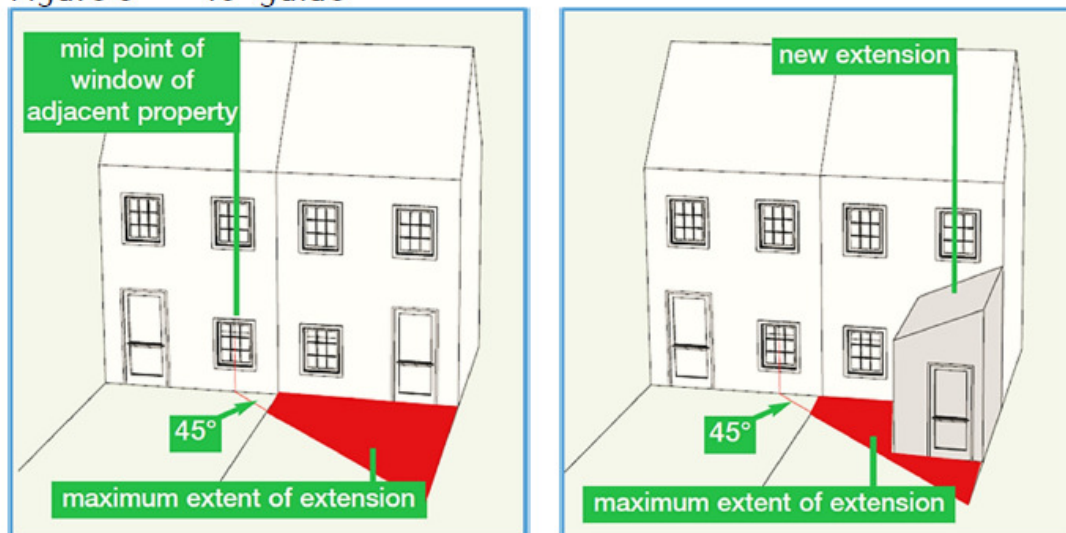
Criteria iii) of Policy RD 3 requires that a proposal does not represent an overdevelopment of the site.

With respect to extensions, the Residential Development SPG at 6.35 advises that one of the main issues involved with rear extensions is the need to protect the amenities of occupiers of dwellings immediately adjoining the proposed extension in terms of protecting privacy, maintaining sunlight and daylight and maintaining a reasonable outlook.

Whilst the danger of over-shadowing adjoining properties primarily arises from householder development, it can also arise in new residential development in high density built up areas. The Residential development SPG offers useful guidance for the consideration of impacts of extensions immediately abutting properties in a terrace / semi detached dwelling situation. It sets out illustrative guidance in the form explained and illustrated below:

45° guide: An imaginary line is horizontally drawn at 45° from the centre of the nearest ground floor window of any habitable room in an adjoining property. No part of the proposed development should cross this line. This rule contains an element of flexibility; considering the direction of sunlight and shadow fall predicted from the new development.

Figure 5 45° guide



Representations on the residential amenity impacts have been made by the owner of the neighbouring property raising concerns that the proposed extension would impact on natural light coming into the upstairs bathroom, bedroom and the kitchen of the neighbouring property, and that the extension would obliterate the view from these rooms, making them feel smaller as a result.

A previous scheme for a first floor extension was refused due to concerns relating to the adverse impact on the neighbouring properties in terms of overshadowing of windows in their rear elevations, and overbearing impact.

The current application is a revision to the previously refused scheme, as described previously, primarily involving the design of the roof.

Both neighbouring properties (1 and 3 Penygroes) have ground and first floor windows in the rear elevations. The extension would extend up to the boundary with 1 Penygroes and would appear to form the party wall between the two properties and would be 0.9m from the party wall with 3 Penygroes.

In applying the 45 degree guide referred to in the Residential Development SPG, it is apparent that the existing single storey extension (erected under permitted development rights) would itself not comply with the 45 degree guide, and it would cast a degree of shadow over windows in neighbouring properties, and in particular 1 Penygroes. The proposed first floor extension would clearly increase this impact on the neighbouring property.

A 3D Sun Study Plan has been submitted with the application to demonstrate the shadows which would be cast from the extension at different times of the day in both the summer and winter months. Whilst it is accepted the reduction of the height of the extension and alterations to the roof design would reduce the potential level of overshadowing, it would not completely remove any incidence of overshadowing, and from the Sun Study submitted, it would appear the rear of the neighbouring property 1 Penygroes would effectively be in permanent shadow, which in the morning would be attributed to the orientation of the buildings and the position of the sun in the sky, but in the afternoon would be solely attributable to the proposed extension, which Officers

consider would result in a detrimental impact on the amenity of occupiers of the neighbouring property. It is considered the revised scheme has not satisfactorily overcome the previous reason for refusal with respect to overshadowing.

The previous scheme had also been refused due to concerns that it would have an overbearing impact on both 1 and 3 Penygroes.

Whilst the overall height of the extension has been reduced in an effort to reduce the overshadowing of neighbouring properties, this would not realistically address the issue of outlook from windows in the rear elevations of neighbouring properties, or from private garden areas

Officers are of the opinion that the extension would dominate views from habitable windows in the rear elevations of neighbouring properties, and as rear gardens in each of the properties are also quite small, and having regard to scale and location of the extension and the proximity to the boundary, it could also have an overbearing impact when viewed from neighbouring garden areas.

Therefore, in respecting the attempts to address the previous grounds of refusal, having regard to the scale, location, design and massing of the proposed first floor extension and the proximity to neighbouring properties, it is concluded the proposed development would overshadow windows in the rear elevation of 1 Penygroes, and it would also have an overbearing impact when viewed from windows in the rear elevations and from private garden areas of both the neighbouring properties. The proposal is therefore considered likely to give rise to an unacceptable impact on the residential amenity of neighbours and is in conflict with the guidance contained in the Residential Development SPG.

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 principles of sustainability are promoted in the Local Development Plan and its policies and are taken into account in the consideration of development proposals. 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 Whilst efforts have been made to reduce the level of overshadowing that would arise in relation to neighbouring properties, having regard to the material considerations, the detailing of the proposals and the potential impacts, the development is considered likely to give rise to unacceptable impact on the residential amenities of occupiers of neighbouring properties. The proposal is therefore recommended for refusal.

RECOMMENDATION: REFUSE- for the following reasons:-

The reasons for the conditions are:-

1. .It is the opinion of the Local Planning Authority that the extension, by reason of its scale, design, massing, siting and proximity to the boundaries with the neighbouring properties, 1 and 3 Penygroes, it would have an unacceptable adverse impact on the residential amenity of the occupiers of these properties due to an overbearing impact when viewed from windows in the rear elevations and private gardens of these properties, and unacceptable overshadowing of windows in therear elevation of 1 Penygroes. Therefore the proposal is considered to be in conflict with the advice and guidance contained in the adopted Denbighshire Residential Development Supplementary Planning Guidance Note and Planning Policy Wales (Edition 9) paragraph 3.1.4, as residential amenity is a material planning consideration.