

APPENDIX A

<u>Appeal Case</u>	<u>Decision Date</u>	<u>Decision</u>	<u>Appeal Type</u>	<u>Officer Recommendation</u>	<u>Committee Decision</u>	<u>Town Council Response</u>	
1	16/2016/1045 - Llanbeadr Hall, Llanbeadr D.C.	18/10/2017	Allow	Hearing	Grant	Refuse	Objection - highway concerns
2	01/2016/0374 - Cae Topyn, Denbigh	28/11/2017	Allow	Inquiry	Grant	Refuse	Objection
3	25/2015/0321 - Pant y Maen / Llyn Bran, Bwlchau	11/01/2018	Allow	Written	Refuse	Refuse	Objection - visual impact, noise, water supply, ecology, tourism
4	40/2016/1116 - Woodland View, Teryn, Bodelwyddan	10/08/2017	Dismiss	Written	Delegated - Refuse	N/A	No response received
5	01/2016/1002 - Bryn Hyfryd, Denbigh	15/08/2017	Dismiss	Written	Delegated - Refuse	N/A	No objection
6	16/2016/1173 - Llanbeadr hall, Llanbeadr D.C.	18/10/2017	Dismiss	Hearing	Delegated - Refuse	N/A	Objection - highways, drainage
7	43/2016/0600 - Mlndale Farm, Meliden	13/10/2017	Dismiss	Hearing	Grant	Refuse	Objection - highways, drainage, removal of trees
8	43/2016/1036 - Three Trees, Upper Brynithon Drive, Prestatyn	28/09/2017	Dismiss	Written	Delegated - Refuse	N/A	No objection
9	44/2017/0055 - 31 Princes Park, Rhuddlan	02/10/2017	Dismiss	Written	Refuse	Refuse	No objection
10	18/2017/0281 - Plas Newydd, Whitechurch Road, Llandyrnog	04/10/2017	Dismiss	Written	Delegated - Refuse	N/A	Object - need, impact on area, access
11	05/2017/0320 - Flat Ferylfa, Bridge Street, Corwen	15/09/2017	Dismiss	Written	Delegated - Refuse	N/A	No observations
12	27/2017/0657 - 3 Fron Deg, Rhewl, Langollen	07/11/2017	Dismiss	Written	Delegated - Refuse	N/A	No response received
13	40/2017/0701 - Coach House, Vicarage Close, Bodelwyddan	15/01/2018	Dismiss	Written	Delegated - Refuse	N/A	Objection - not in keeping with the area
14	10/2017/0747 - Bryn y ffynnon, Brynreglwys	09/02/2018	Dismiss	Written	Delegated - Refuse	N/A	No response received

• A total of 14 appeal decisions received from 1/9/2017 - 1/3/18

• All were planning appeals

• 3 were allowed, 11 were dismissed (79% success)

- 10 out of the 14 appeals were dealt with through written representations, 3 by Hearings, 1 by Public Inquiry
- 5 of the 14 decisions were in relation to applications refused at Planning Committee. Of the 3 Committee refusals against Officer recommendation, 2 were allowed on appeal, 1 was dismissed
- 9 of the 14 planning appeals arose from delegated Officer decisions, and all 9 were dismissed
- All 3 allowed appeals were in relation to applications on which the respective Community Councils had objected
- Of the 11 dismissed appeals, the respective Community Councils had raised objections to 4 of the applications, and no objections or no responses to the other 7.
- Costs were awarded against the Council in 2 cases (Llanbeadr Hall and Cae Topyn)

APPENDIX B

APPEALS SUMMARY

APPEALS ALLOWED

1. APPLICATION NO. 16/2016/1045

SITE ADDRESS: **Llanbedr Hall, Llanbedr D.C., Ruthin**

PROPOSAL: Development of land without complying with conditions subject to which a previous planning permission was granted (Condition 12 of permission 16/2016/0545, requiring approval of arrangements for restricting vehicular access to the site, and details of passing bays)

BASIS OF REFUSAL: The impact of the potential additional use of the rear driveway to Lon Cae Glas and the A494.

TYPE OF APPEAL: **Hearing**

COSTS AWARDED AGAINST COUNCIL: YES

ISSUES OF NOTE

The Inspector considered the main issue was whether the disputed condition is necessary in the interests of highway safety, and reasonable.

Inspector's conclusions:

The existing access condition, which restricts access to the rear driveway only, is not necessary in the interests of highway safety or reasonable. In reaching that conclusion, regard was had to the concerns of local residents in respect of highway safety and other matters but, because of the planning history of the site, they did not amount to compelling reasons to refuse the appeal.

Costs

Costs were awarded on the basis that there were no reasonable planning grounds for refusing the application to vary the condition and the Council's behaviour in doing so was unreasonable. Whilst the Inspector accepted the hearing would have been held in any case to address the more recent refusal of the planning application for 11 dwellings, the cost of defending the variation of condition appeal at the hearing, however, was unnecessary.

2. APPLICATION NO. 01/2016/0374

SITE ADDRESS: **Cae Topyn, Denbigh**

PROPOSAL: Erection of 75 dwellings

A report on this appeal decision was presented to the January 2018 Planning Committee.

3. APPLICATION NO.

SITE ADDRESS: **Pant y Maen, Llyn Bran, Bwlchau**

PROPOSAL: 7 turbine windfarm

A report on this appeal decision was presented to the February 2018 Planning Committee.

APPEALS DISMISSED

4. APPLICATION NO. 40/2016/1116

SITE ADDRESS: **Land adjacent to Woodland View, Terfyn, Bodwelwyddan**

PROPOSAL: Construction of new dwelling

BASIS OF REFUSAL: The site is outside any development boundary, would not constitute infill, would be unacceptable ribbon development and would not meet the affordability criteria in the development plan.

TYPE OF APPEAL: Written representations

ISSUES OF NOTE

The Inspector considered the main issue was whether the proposal accords with planning policies that seek to strictly control residential development in the open countryside, and the effect on the character and appearance of the area.

Inspector's conclusions:

The development would have a harmful effect on the character and appearance of the area and conflict with the housing objectives of national planning guidance set out within PPW and Policies BSC8 and BSC9 of the LDP.

5. APPLICATION NO. 01/2016/1002

SITE ADDRESS: **Land adjacent to Bryn Hyfryd, Denbigh**

PROPOSAL: Removal of condition 4 from planning permission 01/2014/1283, requiring agreement to arrangements to secure the dwelling as an affordable dwelling for local needs.

BASIS OF REFUSAL: The removal of Condition 4 would result in failure to deliver an affordable dwelling to meet local need.

TYPE OF APPEAL: **Written representations**

ISSUES OF NOTE

The Inspector considered the main issue was whether it is reasonable and necessary to secure the development as an affordable dwelling for local needs.

Inspector's conclusions:

In order for the proposed development to accord with Policy BSC 9 of the LDP its occupation as affordable housing for local need is required. On the figures presented it would be financially viable to build a three bedroom property on the site although not of the maximum size allowed under the permission. Did not consider this sufficient reason to justify the erection of a market dwelling instead. Although the lack of a five year housing land supply does add weight in favour of the appeal, did not consider it sufficient to warrant allowing the appeal. Concluded that the erection of a market dwelling on the site would be contrary to Policy BSC 9 of the LDP and the advice and guidance contained in SPG Affordable Housing and PPW. The removal of Condition 4 is not justified.

6. APPLICATION NO. 16/2016/1173

SITE ADDRESS: **Llanbedr Hall, Llanbedr D.C., Ruthin**

PROPOSAL: Demolition of hall and erection of 11 three storey detached dwellings.

BASIS OF REFUSAL: Unacceptable visual and residential amenity impacts, incoherent form of development impacting on the surroundings and context.

TYPE OF APPEAL: Hearing

ISSUES OF NOTE

The Inspector considered the main issue was the effect of the proposed development on the character and appearance of the Clwydian Range and Dee Valley Area of Outstanding Natural Beauty (AONB);

Inspector's conclusions:

The proposed development, primarily by reason of its layout, would cause unacceptable harm to the character and appearance of the AONB in which it is located.

7. APPLICATION NO. 43/2016/0600

SITE ADDRESS: Mindale Farm, Meliden

PROPOSAL: Erection of 133 dwellings.

A report on this appeal decision was presented to the January 2018 Planning Committee.

8. APPLICATION NO. 43/2016/1036

SITE ADDRESS: **Land at Three Trees, Upper Bryntirion Drive, Prestatyn**

PROPOSAL: Erection of a dwelling (outline application including details of access)

BASIS OF REFUSAL: Cramped form of development, harmful to the amenity of existing and proposed occupiers, out of character with immediate surroundings.

TYPE OF APPEAL: **Written representations**

ISSUES OF NOTE

The Inspector considered the main issues are the effect of the development on the character and appearance of the area and the living conditions of the occupiers of neighbouring properties and future occupants of the proposed dwelling in respect of outlook and privacy.

Inspector's conclusions:

The proposed development would be detrimental to the character and appearance of the area and the living conditions of the occupiers of the proposed dwelling and its neighbours, contrary to Policy RD1 of the LDP, the SPD and Planning Policy Wales which seek to protect visual and residential amenity.

9. APPLICATION NO. 44/2017/0055

SITE ADDRESS: **Land at 31 Princes Park, Rhuddlan**

PROPOSAL: Erection of detached dwelling

BASIS OF REFUSAL: Adverse impact on visual amenities, character and appearance of the area ; cramped ; adverse impact on residential amenities of occupiers of adjacent dwellings.

TYPE OF APPEAL: Written representations

ISSUES OF NOTE

The Inspector considered the main issues were firstly the effect of the development on the character and appearance of the area and secondly on the living conditions of the occupants of neighbouring properties by reason of privacy and outlook.

Inspector's conclusions:

The proposal would harm the living conditions of the occupiers of the neighbouring dwellings by reason of loss of privacy and outlook, contrary to Policy RD 1 of the LDP and the SPG.

10. APPLICATION NO. 18/2017/0281

SITE ADDRESS: **Plas Newydd, Whitchurch Road, Llandyrnog**

PROPOSAL: Erection of agricultural livestock / storage building with associated hardstanding

BASIS OF REFUSAL: Failure to justify that the building is appropriate in scale and nature for its location; impact on setting of nearby listed building; impact on residential amenity of occupiers in close proximity.

TYPE OF APPEAL: **Written representations**

ISSUES OF NOTE

The Inspector considered the main issues were the effect of the development on the setting of nearby listed buildings and on the residential amenity of occupiers of neighbouring dwellings.

Inspector's conclusions:

Due to its siting and design the development would harm the setting of the nearby listed buildings and the living conditions of the occupiers of neighbouring properties.

11. APPLICATION NO. 5/2017/0320

SITE ADDRESS: Flat Fferyllfa, Bridge Street, Corwen

PROPOSAL: Erection of conservatory to rear (partly retrospective)

BASIS OF REFUSAL: unacceptable impact on the visual amenities of the area; impact on residential amenity including loss of light and outlook.

TYPE OF APPEAL: Written representations

ISSUES OF NOTE

The Inspector considered the main issues were the effects of the proposed conservatory structure on the character and visual amenity of the area and on the amenity of the neighbouring property in terms of light and outlook.

Inspector's conclusions:

The structure would appear out of place with the traditional design and materials of the buildings around it due both to its prominent elevated form and its external materials. Although situated at the rear of the row of properties, where extensions and outbuildings exhibit a range of forms and design characteristics, the proposal would be so at odds with the traditional building forms that it would be harmful to the character and appearance of the area
The conservatory would have an overbearing visual impact at a very short distance in front of that window. Thus the proposal would also seriously conflict with LDP policy RD1 in respect of harm to the amenity of the neighbouring residents.

12. APPLICATION NO. 27/2017/0657

SITE ADDRESS: **3 Fron Deg, Llandynan, Rhewl, Llangollen.**

PROPOSAL: Extensions and alterations to dwelling.

BASIS OF REFUSAL: Extension not subordinate to the original dwelling ; adverse impact on the character and appearance of the original dwelling and AONB.

TYPE OF APPEAL: **Written representations**

ISSUES OF NOTE

The Inspector considered the main issue was the effect of the development on the character and appearance of the existing dwelling and its surroundings.

Inspector's conclusions:

The scale, siting, massing and form of the proposed extension would not be subordinate to the original dwelling and would harm the character and appearance of the property and its immediate surroundings, contrary to Policy RD3 and VOE2 of the LDP and the SPG.

13. APPLICATION NO. 40/2017/0701

SITE ADDRESS: **The Coach House, Vicarage Close, The Village, Bodelwyddan**

PROPOSAL: Erection of decking with partial roofed area to front (retrospective application)

BASIS OF REFUSAL: The decking and extension by virtue of the design and materials has a negative impact on the character and appearance of the dwelling and adjacent listed building and Conservation Area.

TYPE OF APPEAL: Householder

ISSUES OF NOTE

The Inspector considered the main issues were the effect of the proposed development on the character and appearance of the host dwelling, whether it would preserve or enhance the character or appearance of the Bodelwyddan Conservation Area (CA), and its effect on the setting of Bodelwyddan House, a grade II listed building.

Inspector's conclusions:

The proposed structure would be detrimental to the character and appearance of the host property, and the CA in which it is located; consequently it runs contrary to policies contained within the LDP and PPW which collectively seek to protect visual amenity and heritage assets. The proposal would be harmful to the setting of the adjacent listed building and those features which contribute to its significance.

14. APPLICATION NO. 10/2017/0747

SITE ADDRESS: **Bryn y ffynnon, Bryneglwys**

PROPOSAL: Resubmission of amended house extension

BASIS OF REFUSAL: The basis of the refusal was the unacceptable design, scale and form of the extension and its impact on the dwelling and locality

TYPE OF APPEAL: **Written representations**

ISSUES OF NOTE

The Inspector considered the main issue was the effect of the proposal on the character and appearance of the dwelling and the surrounding area.

Inspector's conclusions:

The scale and form of the extension is not subordinate to the dwelling or sympathetic in design, scale, massing and appearance. I consider the proposal would conflict with Policy RD 3 (criteria i and ii) of the Denbighshire Local Development Plan, and would harm the character and appearance of the dwelling.
