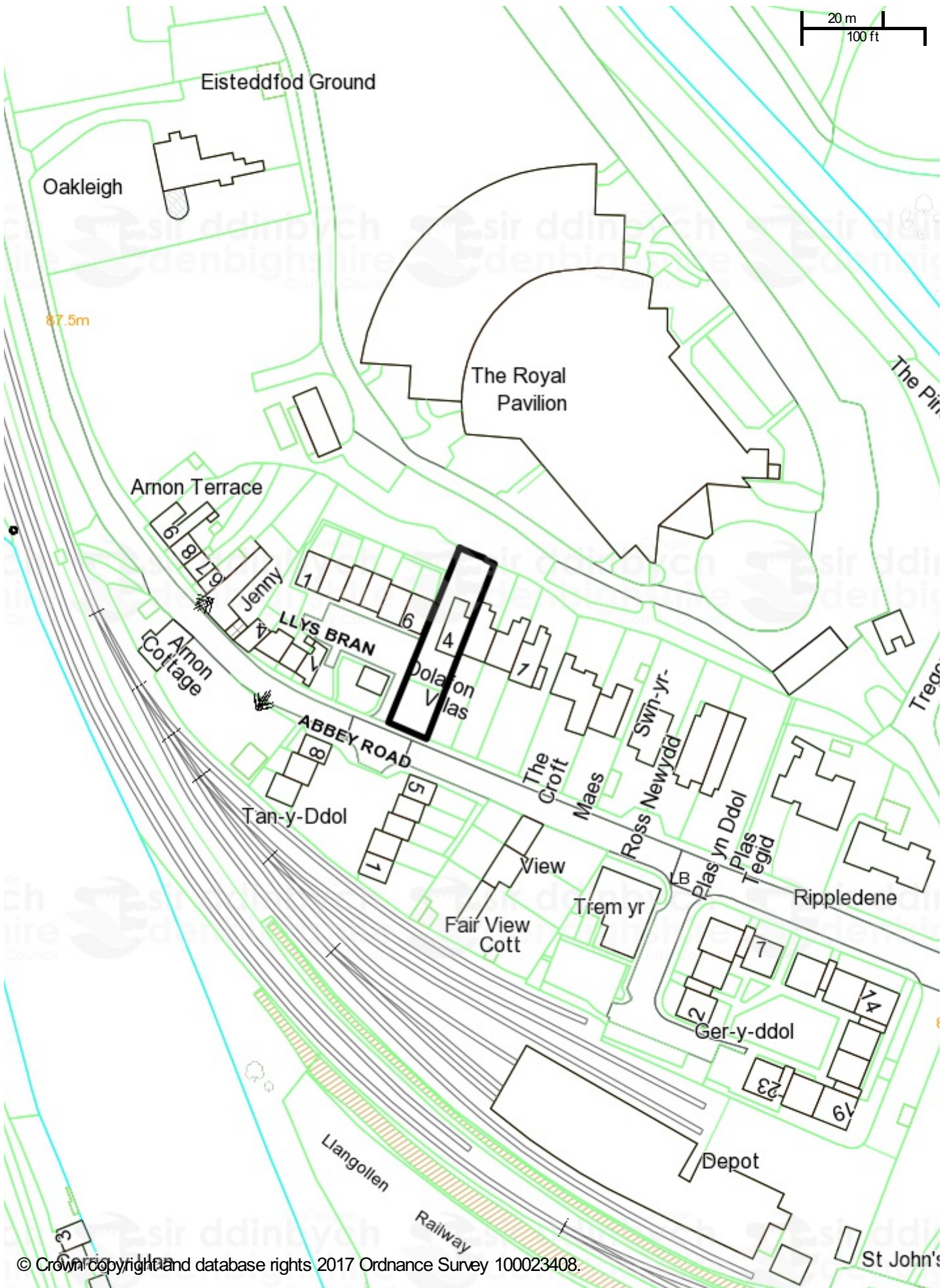


20 m
100 ft



87.5m

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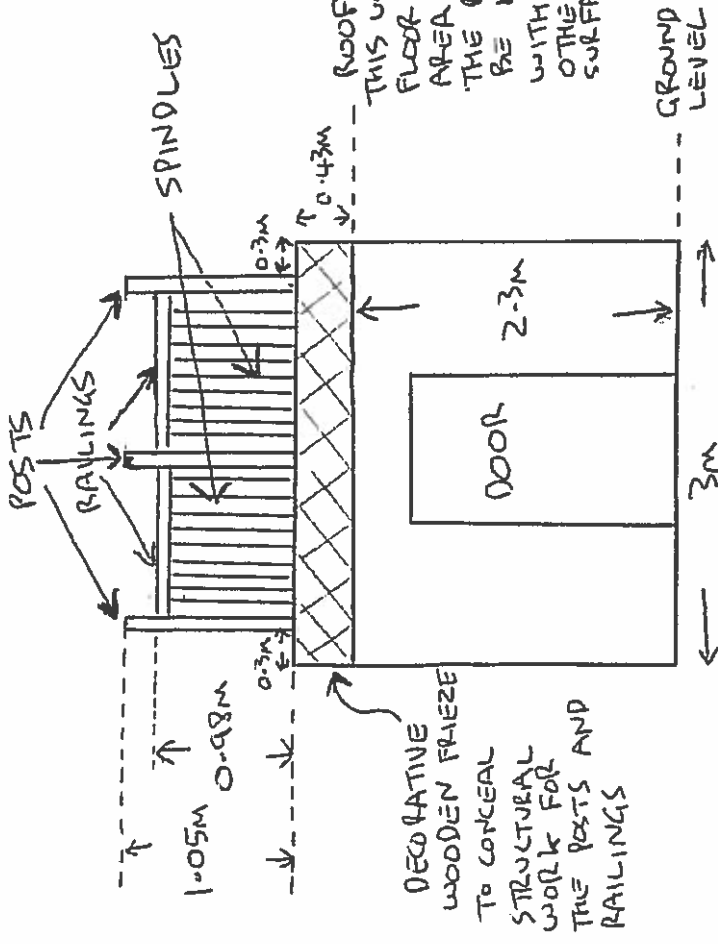
03/2018/0374

Scale: 1:1250

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© Denbighshire County Council

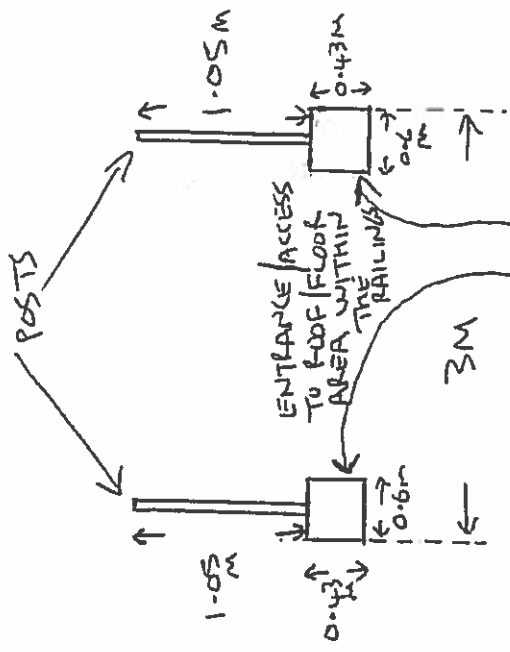


ROOF HEIGHT.
THIS WILL ALSO BE THE FLOOR HEIGHT FOR THE AREA CONTAINED WITHIN THE RAILINGS. THERE WILL BE NO FLOOR ELEVATION WITHIN THE RAILINGS AREA OTHER THAN A NON-SLIP SURFACE OF APPROXIMATELY 1 INCH THICKNESS

DECORATIVE WOODEN FRIEZE TO CONCEAL STRUCTURAL WORK FOR THE POSTS AND RAILINGS

FRONT ASPECT

REAR ASPECT



DECORATIVE WOODEN FRIEZE TO CONCEAL STRUCTURAL WORK FOR THE POSTS AND RAILINGS

DETAIL OF RAILINGS - FRONT

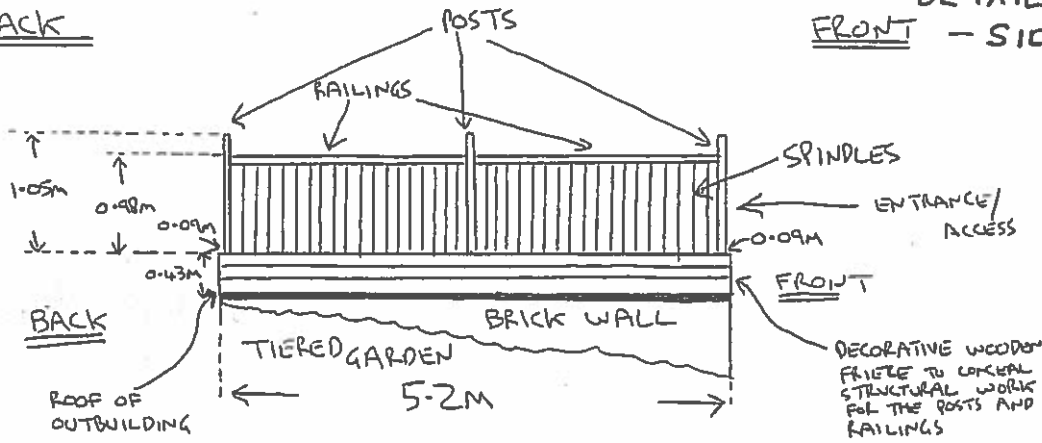
30 APR 2010

SCALE 1:50

L4 DOL AFON VILLAS
ABBAY ROAD, LLANGOLLEN, LL20 8SU

DETAIL OF RAILINGS
FRONT - SIDES

BACK



SIDE ASPECT

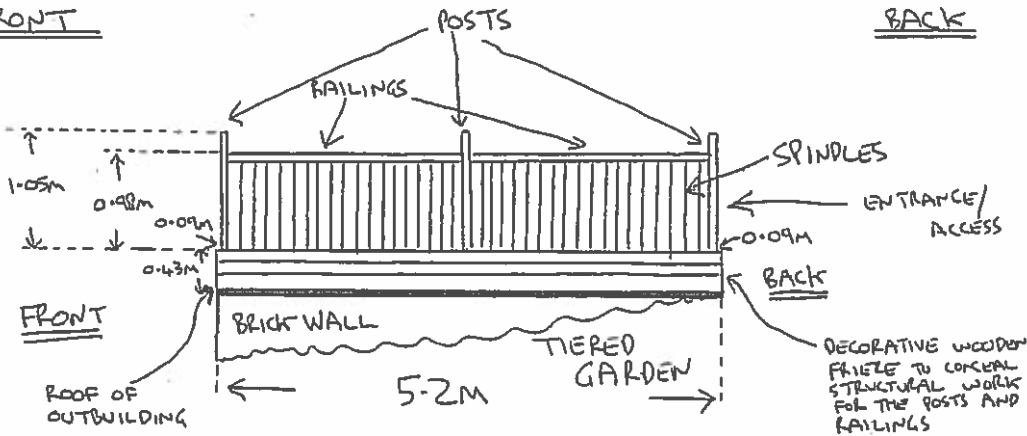
30 APR 2010

4 DOL AFON VILLAS
ABBEY ROAD, LLANCOLLEN
LL20 8SU

SCALE 1:50

FRONT

BACK



SIDE ASPECT

30 APR 2010

4 DOL AFON VILLAS
ABBEY ROAD, LLANCOLLEN
LL20 8SU

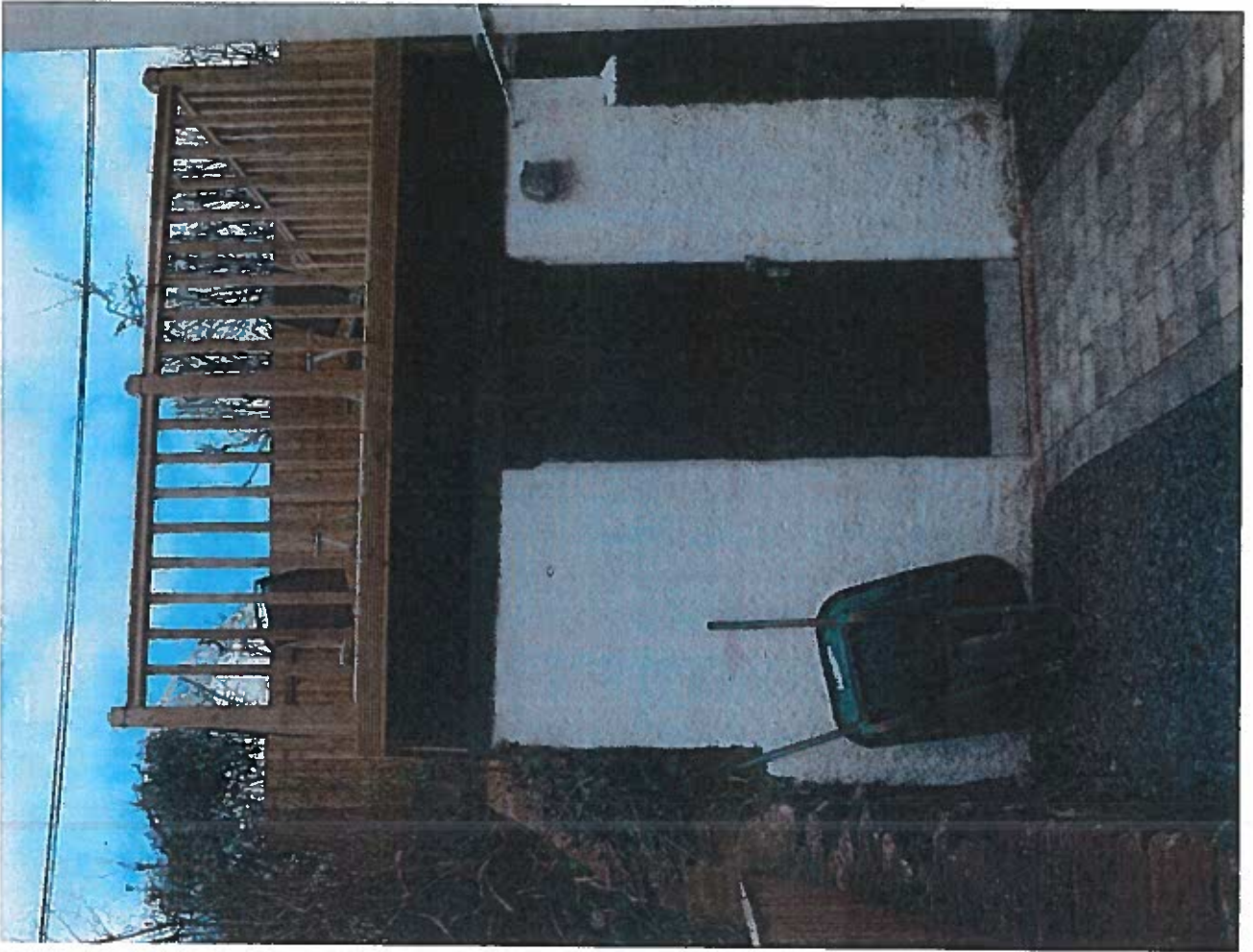
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PHOTOGRAPHS WITH APPLICATION





PHOTOGRAPHS WITH APPLICATION



WARD : Llangollen

WARD MEMBERS: Councillors Melvyn Mile and Graham Timms

APPLICATION NO: 03/2018/0374/ PF

PROPOSAL: Retention of safety railings to roof of existing building

LOCATION: 4 Dolafon Villas Abbey Road Llangollen LL20 8SU

APPLICANT: MrJohn Morgan

CONSTRAINTS: World Heritage Site Buffer Zone
AONB

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

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

- 4 or more individual objections
- Request from Local members
- Referral by Head of Planning / Development Control Manager

CONSULTATION RESPONSES:

LLANGOLLEN TOWN COUNCIL

“Members of the Town Council consider the above application and adjudged that it was acceptable in planning terms. It was therefore resolved that no objections be raised relating to this application.”

**CLWYDIAN RANGE AND DEE VALLEY AREA OF OUTSTANDING NATURAL BEAUTY
JOINT ADVISORY COMMITTEE**

“The Joint Committee is concerned about the retrospective nature of this application but has no observations to make on the proposals.”

RESPONSE TO PUBLICITY:

In objection

Representations received from:

A Bland – Roberts, 4 Llys Bran, Abbey Road, Llangollen

M. Anderson, 5 Llys Bran, Abbey Road Llangollen

E. Howard, 6 Llys Bran, Abbey Road Llangollen

Huw Evans Planning, on behalf of Grwp Cynefin and the tenants of the Llys Bran properties

Summary of planning based representations in objection:

Residential amenity

Decking area gives rise to overlooking of 6 gardens, and windows of the closest property (No. 6 Llys Bran), resulting in loss of privacy and peaceful enjoyment of gardens / overlooking from a high level into neighbouring gardens and habitable rooms is serious and material harm to privacy and amenity / application is in conflict with Development Plan Policy RD1 and Planning Policy Wales, should be refused and measures taken to ensure that adequate levels of amenity and privacy are retained .

Visual amenity

Structure is imposing, at same height as rear bathroom and bedroom windows of adjacent property

Other matters

Confusing / misleading / misrepresentation as the proposal relates only to the railings and not to the decking structure, which needs planning permission / railings are clearly to 'finish off' the decking structure and to make it safe as a seating area / roof was never intended as a seating area / application is a ploy to get the decking structure passed / why does a roof not intended for decking / seating need permanent safety railings / if occasional works have to be carried out, temporary railings would suffice / structure is well over the threshold for requiring planning permission / the intention is to use the roof as an external sitting out area / substantial nature of the development far exceeds any reasonable safety requirement / best way to keep the outbuilding safe is to prevent access to it .

EXPIRY DATE OF APPLICATION: 24/06/2018

PLANNING ASSESSMENT:

1. THE PROPOSAL:

1.1 Summary of proposals

- 1.1.1 The application relates to development at the rear of an existing dwelling on the north side of Abbey Road in Llangollen.
- 1.1.2 It seeks permission to retain what are described in the application forms as '...safety railings / fencing that have already been erected on top of an accessible roof in the garden of a residential dwelling'. The submission confirms a recently constructed area of decking on the roof of the outbuilding, constructed at the same time as the railings, is not part of the application and is to be removed.
- 1.1.3 The plans and photographs at the front of the report should be referenced to assist appreciation of the detailing of the development.
- 1.1.4 Factually, the application involves retaining wooden railings recently erected around 3 sides of a 3m x 5.2m decking / platform area on top of the reinforced concrete roof of an old building in the rear garden of an existing dwelling. The roof area is accessible from the upper level of the tiered rear garden of the dwelling.
- 1.1.5 The submitted drawings indicate the 'structural work' for the posts and railings on top of the concrete roof is 0.43m high, with 0.98m high railings and the 1.05m high support posts on top of the structural work. From the dimensions annotated on the drawings, the top rail of the railings is 1.41m above the original roof level of the outbuilding and 3.71m above ground level at the south facing (front) of the building.
- 1.1.6 The application is accompanied by a 3 page Supporting Statement explaining the history and background, the current situation, and comments to support the retention of the safety railings. In summary, the main points of this document are:

Background

- The property was originally used in connection with the former cottage hospital, and was granted planning permission for use as a dwelling in 2015.
- Considerable works were required to renovate the dwelling and its grounds, as they had fallen into a poor state of repair.
- Clearance of the garden at the rear of the property revealed a multi-tier arrangement with an access to the Eisteddfod fields at the top, similar to gardens that exist in neighbouring properties. The clearance also revealed a substantial brick out-building, which had been used as an office and work area by maintenance staff employed at

the former hospital. This was of permanent construction with a reinforced concrete roof, built into the tiered garden so the roof was either level with or below the upper tiers of the garden. Working materials left on the top of the roof evidenced that the roof was accessed and used as a work area and storage space, and that access onto the roof was simply achieved by stepping onto it from the upper tiers of the garden.

- Works were undertaken to retain the original tiered garden arrangement (with renovation work) and to make the previously used out-building roof safe and fit for residential use. To do this, non-slip decking was erected across the out-building roof and a safety railing was built around the perimeter.
- At the time the work was started and finished on the decking and safety railing, it was not known that this work constituted development and was therefore subject to separate planning control. Any breach of planning control was not intentional or wilful.
- Following exchanges with the Council, the intention is to remove the decking so that it no longer constitutes a breach of planning control but to retain the safety railings.

In support of the retention of safety railings

- The roof was used and walked on by the previous users of the site. It is made of flat reinforced concrete and is a permanent load bearing platform. Access by the occupiers of the dwelling is therefore a continuation of previous practice.
- The safety railings are not for decoration or ornamentation or cosmetic enhancement, nor are they there to mark a boundary. They are safety rails intended to stop anyone from falling off the roof of the out-building.
- There are 3 sides of the out-building roof from where someone can fall. The distance to the ground varies but at its maximum is 2.3 metres. The out-building is surrounded on all sides by hard surfacing –slate / brick / stone / concrete, hence there are concerns over personal safety which need to be addressed.
- The Council has an obligation under the Human Rights Act to perform in this matter - namely Article 2 and the Right to Life, as there would be culpability if the owner was compelled to remove the safety railings and someone did fall and suffer consequences.
- In respect of privacy concerns, it is accepted there are issues between the property and the new social housing that has been built on adjoining land, but the out-building that has been made safe pre-dates any of the new developments. Also, the Council has granted planning permission for both the social housing and the use of No. 4 as a dwelling in full knowledge of the situation.
- Refusal of permission and enforced removal of the safety railings would constructively stop full use of the garden area, contravene Article 8 of the Human Rights Act (Right to respect for private and family life), and create a danger to any person walking on the out-building. It would also be inconsistent as safety railings have been erected at the front of the adjacent property for low level kerbing, also at the back of the adjacent properties on top of low level walls.

1.2 Description of site and surroundings

- 1.2.1 No. 4 Dolafon Villas is a one of a block of 4 substantial three storey dwellings set back from Abbey Road, in Llangollen. It was formerly in use in connection with the old Llangollen Cottage Hospital, and was converted into a dwelling following the grant of planning permission in 2015.

- 1.2.2 The property is located immediately to the east of a recently constructed Grwp Cynefin development of 6 dwellings, named Llys Bran.
- 1.2.3 Land at the rear of the Dolafon Villas properties and the Llys Bran dwellings adjacent slopes up steeply to a boundary with the Llangollen Eisteddfod site, close to the main Pavilion building.
- 1.2.4 The Llys Bran properties have 6 -7 metre deep rear garden areas, enclosed by 1.8m high vertical boarded fences. The gardens of Nos. 3 and 4 run up to a retaining wall / fence at the base of the slope up to the Eisteddfod field boundary. There is a 1m wide pathway serving the rear of these properties, running around the side and rear of no 1, also serving the rear of nos 2 and 3; and running around the side and rear of no 6, also serving the rear of nos 4 and 5. The gardens of nos 1 and 2, and nos 5 and 6 do not therefore extend up into this embankment.
- 1.2.5 No. 4 Dolafon Villas has a flat 20 metre long front garden running south to the boundary with Abbey Road. The 10 metre deep rear garden area rises steeply up from the rear (north side) of the dwelling, similar to the land at the rear of nos.1 - 3 Dolafon Villas, which has also been tiered and is in use as private garden areas in association with those dwellings. The upper tier of the rear garden of No. 3 is at a slightly higher level than the upper tier of the rear garden of No.4.
- 1.2.6 The rear garden of No 4 Dolafon Villas has two main terrace levels and there are 1.8m high vertical boarded wooden fences along the boundary with No.3, and along the northern boundary with the Eisteddfod land. There is an old stone wall of varying height forming the rear garden boundary between No.4 Dolafon Villas and the land developed for the Llys Bran dwellings, and this runs up to the boundary with the Eisteddfod land.
- 1.2.7 Immediately to the rear of No.4 Dolafon Villa and within its residential curtilage on the eastern side of the aforementioned stone wall, is an old store building formerly used in connection with the hospital. This is an L shaped structure built into the slope, with a reinforced concrete roof. As a consequence of the terrain, the rear section of this building is at ground level of the upper terrace of the garden area, meaning it is possible to walk onto it from this part of the garden of No.4.
- 1.2.8 No.6 Llys Bran is the 'end terrace' dwelling of that development, and is the one nearest the application site. It is separated from the boundary with No. 4 Dolafon Villa by the aforementioned access pathway serving the rear of Nos. 4, 5 and 6 Llys Bran.
- 1.2.9 As part of ongoing works in the rear garden of No. 4 Dolafon Villas, an area of decking measuring 3m by 5.2m has been constructed on top of a section of the roof of the outbuilding, with wooden railings along the western, southern and eastern sides of the decking. The details can be seen on the plans and photographs at the front of the report.
- 1.2.10 The outbuilding is approximately 2.3m high to its roof at the front (south facing elevation), and as noted, as a result of the steeply sloping ground, the roof is at ground level at the rear.
- 1.2.11 For the avoidance of doubt, the application is seeking the retention of the railings and confirms the decking area is to be removed.

1.3 Relevant planning constraints/considerations

1.3.1 The site, along with most of Llangollen is within the Area of Outstanding Natural Beauty and the World Heritage Site Buffer Zone.

1.4 Relevant planning history

1.4.1 No.4 Dolafon Villas was formerly in use in connection with the Llangollen Community Hospital, and was the subject of a change of use application to a dwelling, granted in 2015.

1.4.2 The red line defining the curtilage of the dwelling on the approved plans in the 2015 permission included the land on the north side of the building sloping up to the boundary with the Eisteddfod field, including the aforementioned storage building.

1.4.3 The planning permission for the Llys Bran development was also granted in 2015.

1.5 Developments/changes since the original submission

1.5.1 None.

1.6 Other relevant background information

1.6.1 The application has been submitted following Compliance investigation in response to complaints over unauthorised development at the property.

1.6.2 The application has been referred to Committee at the request of local members, to allow full assessment of the impact of the railings on adjoining property, and to arrange a site panel visit. The notes of the site panel will be included in the late Information sheets.

2. DETAILS OF PLANNING HISTORY:

2.1 Application 03/2015/0593

Change of use from former hospital annex to residential dwelling
GRANTED under delegated powers 28th July 2015

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 RD1 – Sustainable development and good standard design

3.2 Supplementary Planning Guidance

Residential development SPG

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

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 Planning history / current situation at rear of No. 4 Dolafon Villas
- 4.1.3 Visual amenity
- 4.1.4 Residential amenity

4.2 In relation to the main planning considerations:

4.2.1 Principle

Policy RD1 of the Local Development Plan supports development proposals within development boundaries providing a range of impact tests are met. The ones relevant to the Dolafon Villas scheme are covered in the following sections of the report.

The policy refines the aforementioned general guidance in Planning Policy Wales and the Development Manual which outline factors to be taken into account in making planning decisions, including consideration of the effects on the amenity and existing use of land in the public interest.

The Residential Development SPG offers basic advice on the principles to be adopted when designing domestic extensions and related developments. As a basic principle, it accepts that it is legitimate for householders to improve their properties to a reasonable and acceptable extent.

The carrying out of appropriate development in association with existing dwellings is therefore acceptable in principle. Whether the particular scheme is acceptable in terms of its detailing and the impacts on the locality are addressed below.

In respecting the basis of representations, the fact that the application is submitted to retain existing development should not influence consideration of the merits of the particular application as legislation makes provision for retrospective submissions.

Also, it is important in this case to restrict consideration to the merits of the proposal to retain solely the safety rails, and not the decking structure, which the applicant confirms is to be removed. The issue of the decking area is one which has to be dealt with separately and should not prejudice consideration of the actual proposal in front of the Authority.

4.2.2 Planning history / current situation at rear of No. 4 Dolafon Villas

The planning history of a site can be a material consideration on an application. In Officers' view, this is an instance where the background to the current situation at the property is of some significance and has a bearing on the considerations to be given to the acceptability of the proposals in front of the Authority.

Initially, it has to be recognised that the implementation of the 2015 planning permission established the status of No. 4 Dolafon Villas as a dwellinghouse. The permission also established the extent of the residential curtilage of the dwelling,

which included the land between the dwelling and the Eisteddfod field boundary, containing the old storage building to which the railings are now attached. No.4 has a rear garden area of similar dimensions and physical profile (i.e. sloping up to the north) as the rear gardens of Nos. 1 – 3 Dolafon Villas.

In respect of planning legislation, the occupiers of No. 4 have the same rights as any householders to use land within their residential curtilages for their personal use and enjoyment in connection with their dwelling. The rear garden and the outbuilding are part of the curtilage of No.4 and can be used in this manner by the occupiers.

From observation, as a result of the landform at the rear of the property, the higher terrace level at the rear of the dwelling is such that it already creates the potential for a degree of overlooking into the rear of the adjacent Llys Bran and Dolafon Villas dwellings. The rear of the dwelling at No.4 itself is overlooked from the higher level terrace of the rear garden of No.3 Dolafon Villas. This is a situation which occurs in many locations where land levels vary, and is essentially beyond planning control.

The landform also allows easy access from the upper terrace level onto the reinforced concrete roof of the aforementioned outbuilding, which is located on the boundary of No.4 and the recently completed Llys Bran housing development, and also creates a potential for overlooking of the rear of the garden areas and the rear windows of the Llys Bran dwellings. Again, there is nothing to stop the occupiers of No.4 from accessing this roof in connection with the use of their garden should they so wish. This is a matter of fact and is of relevance to the consideration of the application and the representations made on it, and is referred to later in the report.

The recent erection of a decking area with the safety railings on top of the reinforced concrete roof of the outbuilding has generated concerns from neighbours and has led to the involvement of the Council's Compliance Officer, as this and the erection of safety railings around the structure is development requiring planning permission. The dimensions of the decking and the railings exceed the 'permitted development' tolerances in the 1995 Town and Country Planning (General Permitted Development) Order, as amended. The investigations have resulted in the submission of the current application to retain the railings. Members are referred here to the earlier summary of the applicant's supporting statement which outlines his position and the case to retain the railings, and his confirmation that the decking area is to be removed.

4.2.3 Visual Amenity/character of the area

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 iv) of Policy RD1 requires that proposals do not unacceptably affect prominent public views into, out of, or across any settlement or area of open countryside.

Criteria vi) of Policy RD1 requires that development proposals do not affect the amenity of local residents and land and property users or characteristics of the locality.

The impact of the proposals on visual amenity is therefore a basic test in policy RD1 of the Development Plan.

Llangollen Town Council and the AONB Joint Committee raise no objections to the proposals on visual amenity grounds.

Representations from private individuals raise objection over the visual impact of the safety railings, considering them to be imposing.

The key issues to address in terms of visual impact are therefore considered to be the effect they have on the wider area and on the occupiers of neighbouring properties. These considerations require due assessment of the detailing of the railings, their particular location and the relationship with adjoining dwellings.

Initially, as the railings are on a structure at the rear of the property, the only publicly accessible location from which they are visible is immediately outside the property on Abbey Road. Hence most people passing along Abbey Road are unlikely to be aware of the railings unless they are immediately in front of No. 4, from where the front section of the railings (approximately 3 metres length) is visible on top of the outbuilding. As this is a relatively short section and the colour of the rails is likely to mute to a more neutral tone as the wood weathers, it is not considered that the railings have, or will have any adverse visual impact on the character of the wider area and the town, which is the basis of test iv) of policy RD1.

The main visual impacts to address are inevitably on those properties immediately adjacent to the railings, i.e. at Llys Bran and No 3 Dolafon Villas. In factual terms:

- In respect of no.3 Dolafon Villas, as a consequence of the location of the railings, the landform and existing boundary screening, they are only likely to be visible from the second floor rear windows of the dwelling. The 1.8m high boundary fence between Nos. 3 and 4 prevents views of the railings from the tiered rear garden area of No.3. It is not considered the proposal has an unacceptable visual impact on this property.
- In respect of No 6 Llys Bran (the nearest dwelling to the west) the railings can be seen in oblique views out from the ground floor kitchen window, and as a more visible feature from the first floor rear bedroom window. The railings are a progressively less prominent visual feature from within the kitchens and bedrooms of the Llys Bran dwellings to the west. The railings are clearly visible above the outbuilding for occupiers of the Llys Bran dwellings when standing in their rear gardens, again as a more prominent feature from the garden of No. 6 and progressively less so from the rear gardens of No 5, No4, etc.
- In terms of actual dimensions, the railings and the structural work below them add some 1.4m to the height of the outbuilding. .

Having regard to the issues, Officers acknowledge that the railings have a degree of impact on the visual amenities of occupiers of No.6 Llys Bran, and to a lesser degree other Llys Bran properties. The issue is whether this impact is so significant as to be unreasonable, and merits a recommendation for refusal. Matters it is suggested are of relevance to the consideration of this matter are:

- The rear windows of No.6 and adjacent Llys Bran dwellings face north towards their respective rear gardens, and beyond their 1.8m screen fences up to the embankment which rises to the Eisteddfod field boundary. In normal use of the majority of rooms on this side of the Llys Bran properties, the railings would not be visible as a prominent feature in views out. The exception is when standing close to the rear bedroom window of No.6 Llys Bran, from which location the railings appear on the right hand side of the view out, at virtually at the same level as that bedroom floor. In these circumstances, the effect of the railings is similar to having a low garden fence along the boundary with the adjoining property. It is not concluded the railings have a dominating or unacceptable visual impact, including on the outlook, from rooms within the Llys Bran properties.
- As the railings are on top of the outbuilding at No.4 Dolafon Villas, they are clearly visible from within the rear gardens of the Llys Bran properties, more so from the nearest rear garden at No 6 Llys Bran. For most of the Llys Bran properties, the railings form part of the wider panorama available when using the rear gardens, and as part of what is already a fairly enclosed area, framed to the west by a high screen fence between No 1 Llys Bran and the rear of the Jenny Jones properties, and the steep embankment rising up to the northern boundary with the Eisteddfod field. In respecting representations, it is not considered the

railings have so dominating an effect on visual amenity, the outlook from, or the enjoyment of the rear gardens of Nos. 1-5 Llys Bran to justify refusing permission.

- In respect of the impact of the railings on the enjoyment of the rear garden of No. 6 Llys Bran, Officers consider issues are more finely balanced, as they are a more dominating visual feature at relatively close quarters above this garden. However, for the reasons following, officers do not conclude the case for refusal is so compelling to merit a negative recommendation:
 - There is a comparable situation at the other end of the Llys Bran terrace, where as part of the original development, a substantial close boarded fence has been erected along the boundary close to No.1 Llys Bran and the Jenny Jones site. This fence rises from a height of some 3.6m above ground level immediately to the rear of No.1 to close to 5 metres at the point where the land starts to rise up to the Eisteddfod field boundary. The physical impact of this fence on the rear of No.1 Llys Bran is comparable with that of the railings on the rear of No. 6 Llys Bran.
 - The railings are not a completely 'solid' structure, consisting of wooden vertical spindles with spaces between, which helps to an extent to mitigate concerns over them being an overpowering feature. It also seems likely that the wood will weather in time to a more natural colour, helping to soften the initial 'newly cut wood' impact.
 - The presence of buildings / structures close to boundaries at the rear of properties is not an uncommon one in urban areas. There will be many instances where buildings are staggered behind one another, having varying degrees of visual / physical impact on the occupiers of immediately adjoining properties.
 - The impact of the safety railings needs also to be considered in the context of the nature of development at the rear of the Llys Bran properties, where there is already a variety of walling and fencing styles. The properties have rear gardens delineated by 1.8m high close boarded fences; to the north of the communal path at the rear of these boarded fences is a 1.4m high blockwork retaining wall (rising to 2.5m high at the rear of No.1 Llys Bran), with 1.2m high green coated railings above; and there is the aforementioned solid close boarded fence erected above the retaining wall along the boundary between No.1 and the Jenny Jones site.

Taking all the above matters into consideration it is Officers' opinion that the impact of the railings is not so significant in terms of visual effects either on wider views into the site or on the occupiers of neighbouring properties to justify a refusal recommendation.

4.2.4 Residential Amenity

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 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.

With respect to normal householder developments, the Residential Development SPG advises that one of the main considerations is the need to protect the amenities of occupiers of dwellings immediately adjoining, in terms of protecting privacy,

maintaining sunlight and daylight and maintaining a reasonable outlook. There is guidance in the SPG on factors to consider in relation to the impact of rear extensions to dwellings, which may be applied to the situation here, but this needs to be done with caution as the 'development' is not in the form of a building with solid walls and a roof.

The Town Council have raised no objections to the application.

The representations from private individuals express concerns over the impact of the decking in terms of overlooking of adjacent gardens and windows of the closest property (No. 6 Llys Bran), and the resultant loss of privacy.

In noting the basis of the representations in relation to residential amenity impacts, it is necessary again to stress that the application before the Council is solely for permission to retain the safety railings, and does not relate to the decking area and any 'additional' potential this may offer for overlooking and loss of privacy, which has to be addressed as a separate matter outside this application. In this context, it is also relevant to recognise that:

- The Council cannot prevent the occupiers of No.4 Dolafon Villas from accessing the roof of the outbuilding, regardless of the decision on the application. There is already a degree of overlooking of adjacent property possible from use of this roof area. Refusing planning permission for the safety railings, and any subsequent enforcement action to secure their removal cannot take away the occupiers' right to use the roof area should they so choose.
- As a consequence of the levels at the rear of the application site, and the tiered garden, there is already a degree of overlooking of the rear of the Llys Bran dwellings from the upper terrace of 4 Dolafon Villas.

Assessment in relation to No. 3 Dolafon Villas.

The nearest section of the safety railings are located some 7 metres from the common boundary between Nos. 3 and 4 Dolafon Villas. The presence of screening between these properties and the location of rear windows in No.3 mean there are no realistic residential amenity issues arising from the existence of the railings.

Assessment in relation to No.6 and other Llys Bran dwellings

The westernmost section of the safety railings runs along the top of the outbuilding close to the side boundary with the path which runs between No 4 Dolafon Villas and No.6, Llys Bran, as described previously.

The railings in place do not in themselves give rise to overlooking and loss of privacy, and Officers do not consider it would be reasonable to oppose the application on this basis.

From observation, it is clear that the overlooking / loss of privacy for occupiers of No.6 Llys Bran and to a lesser degree the Llys Bran dwellings further to the west currently arises from use of the decking area which is raised some 0.4m above the original roof level. This is unauthorised development which has worsened the potential for overlooking, and the applicant has stated it is to be removed.

In respect of levels of sunlight and daylight enjoyed by occupiers of adjacent properties, and the outlook from the rear of these properties, due account has to be taken of the location / orientation and detailing of the railings and their relationship with the Llys Bran dwellings. Having regard to these matters, Officers do not consider that the railings give rise to unacceptable overshadowing or loss of sunlight into the dwellings or gardens of the Llys Bran properties, having regard to the respective locations of the railings to the east of No. 6 and the direction of sunlight.

It is therefore Officers' opinion that taking account of the proposal in front of the Council – the retention of the safety railings – there are no unacceptable residential amenity impacts which merit refusal of permission.

Other matters

In respecting the representations that this is a confusing situation as the proposal relates only to the railings and not to the decking structure, and that the application may be a precursor to one to retain the decking area, the Council has to deal with what is the subject of the application, i.e. to determine whether the railings are an acceptable development on land use planning grounds or not. The decking area has to be dealt with as a separate matter.

Human Rights considerations are dealt with in the decision making process through the application of planning policies and guidance and assessment of material planning issues, which apply the principles of fairness and take due account of the rights of individuals and the public interest.

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 seeks permission to retain wooden safety railings recently erected around 3 sides of the reinforced concrete flat roof of an old outbuilding within the garden area of the dwelling at No.4 Dolafon Villas.
- 5.2 The railings were erected in connection with the construction of a decking area on top of the flat roof. The applicant has indicated the decking is to be removed, and has applied for permission to keep the railings for health and safety reasons. Permission is not being sought for the retention of the decking area.
- 5.3 Consideration of the application has therefore to be limited to the acceptability of the impact of the railings.
- 5.4 There are local objections raising concern at the overlooking of adjoining gardens and windows, and loss of privacy and peaceful enjoyment of these gardens, and at the imposing impact of the railings.
- 5.5 The report outlines the complex set of circumstances relating to the site which are relevant considerations to be taken into account in assessing the application. As the application relates solely to the retention of the railings, and with respect to the representations in objection, Officers believe the decision has to rest primarily on the acceptability or otherwise of the visual impact of those railings on adjoining property.

5.6 Respectfully, having regard to the above, it is suggested that the overlooking of neighbouring gardens is not a matter which should influence the determination of the application, as this arises from the use of the decking area which is raised above the roof level of the outbuilding by some 0.4m, and worsens the incidence of overlooking above that which could occur from use of the roof of the outbuilding.

5.7 Officers' conclusion is that the key consideration is whether the railings give rise to unacceptable visual impacts in terms of being physically overpowering or of inappropriate design, unacceptably affecting the enjoyment of adjacent property. The report accepts there are impacts on the nearest Llys Bran dwellings, but balancing all the circumstances and material considerations, Officers do not consider the impacts are so significant to justify a recommendation to refuse permission to retain the railings.

RECOMMENDATION: GRANT- subject to the following conditions:-

1. This permission relates solely to the retention of the safety railings detailed in the application documents listed below and does not convey any consent in relation to the decking structure :
 - (i) Photographs - Received 17 April 2018
 - (ii) Existing Site Plan - Received 17 April 2018
 - (iii) Proposed Site Plan - Received 30 April 2018
 - (iv) Proposed Elevations (Pages 1-3) - Received 30 April 2018
 - (v) Location Plan - Received 17 April 2018

The reason for the condition is:-

1. For the avoidance of doubt and to ensure a satisfactory standard of development.

NOTES TO APPLICANT:

You are reminded that the permission does not extend to the decking area and that in accordance with the contents of the application documents, immediate steps should be taken to secure the removal of this element of the structure.