

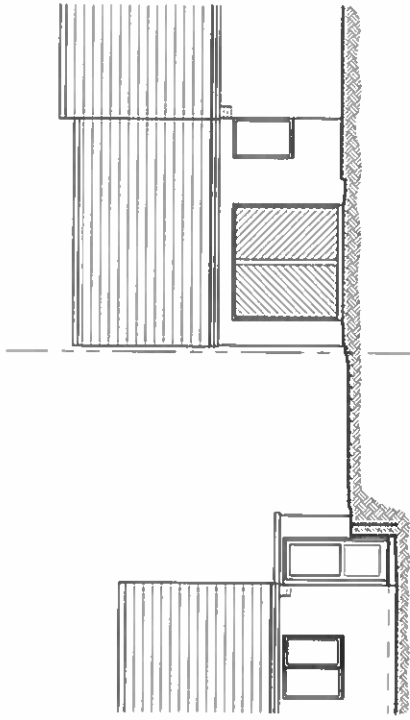
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21/2018/0293

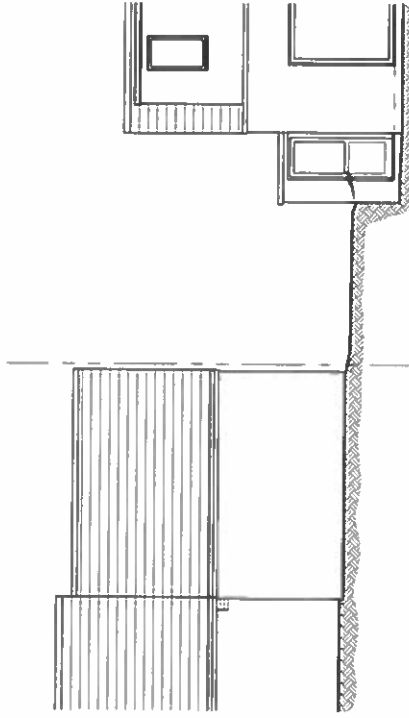
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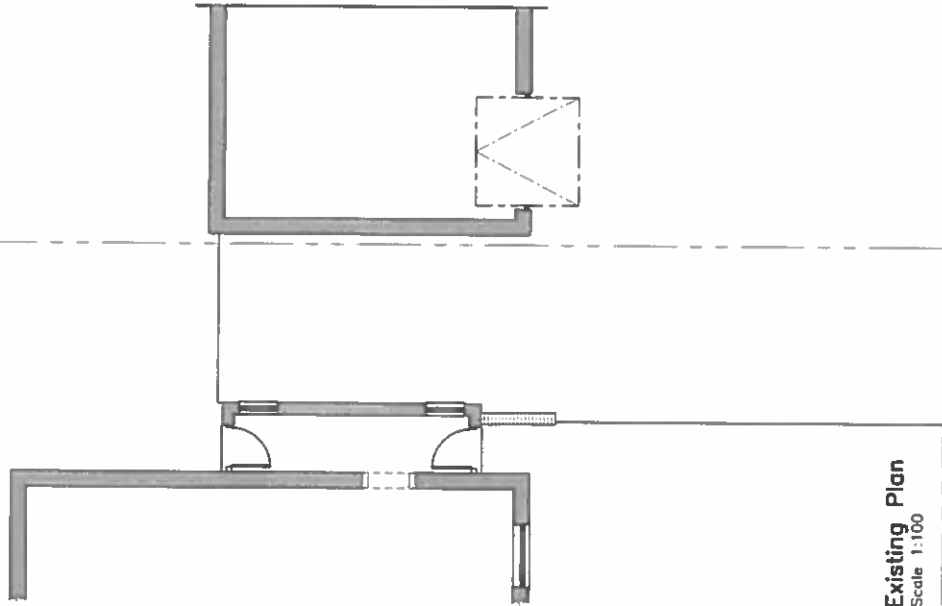
EXISTING SITE + ELEVATIONS



Existing Front Elevation
Scale 1:100



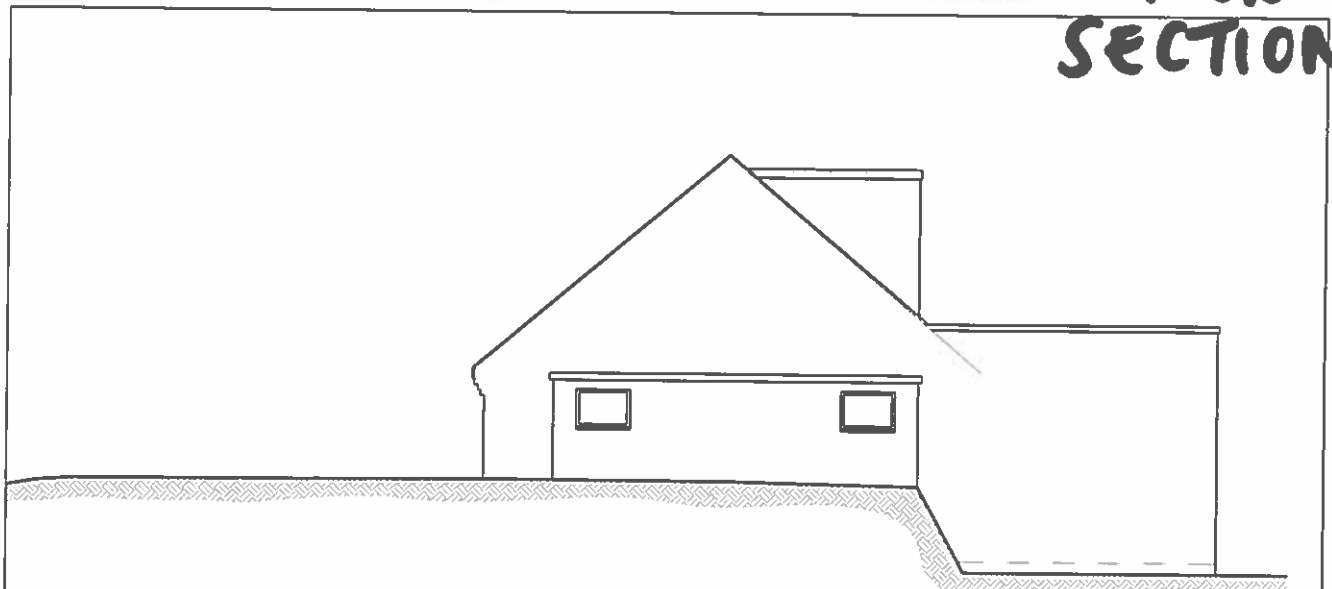
Existing Rear Elevation
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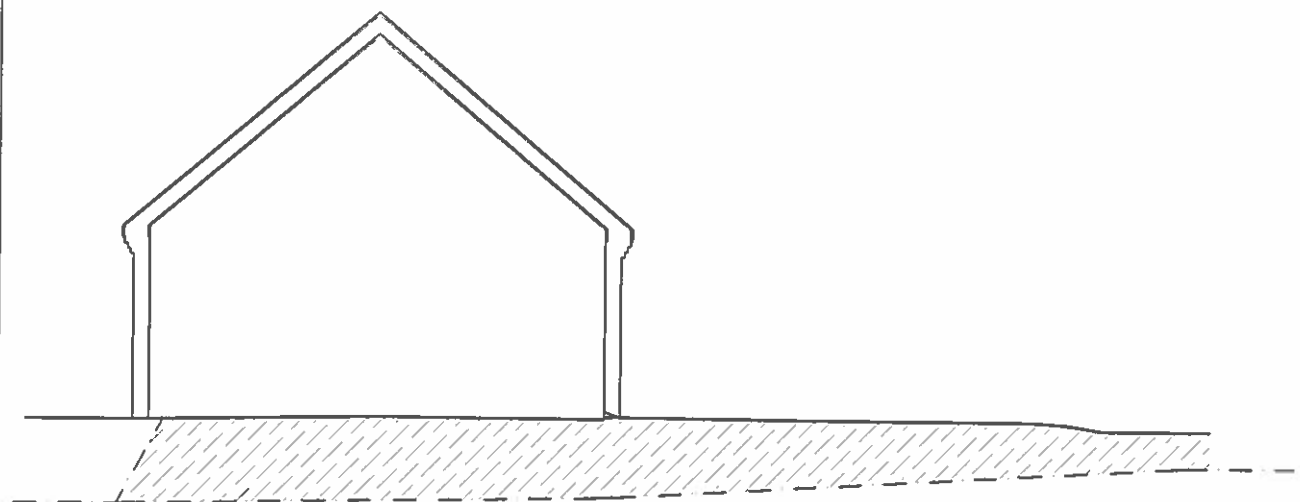
Existing Plan
Scale 1:100

Project Proposed Retaining Wall 16 Rectory Lane, Llanferres		ADAMS CONSU L T I N G E N G I N E E R S L T D	
Title Survey Plan Existing Front & Rear Elevations		Fron Deg, Clayton Road, Mold, Flintshire Tel.: 01352 754334 Fax: 01352 756201	
Cad Rev -	Scale 1:100	Drawn SGL	Checked IP
Date 18/01/2018	Approved 	Project Ref. 15065	Rev. S01

EXISTING SIDE ELEVATION + SECTION



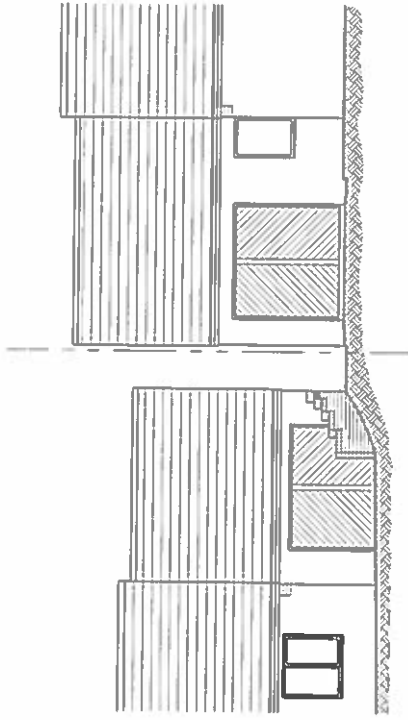
Existing Side Elevation
Scale 1:100



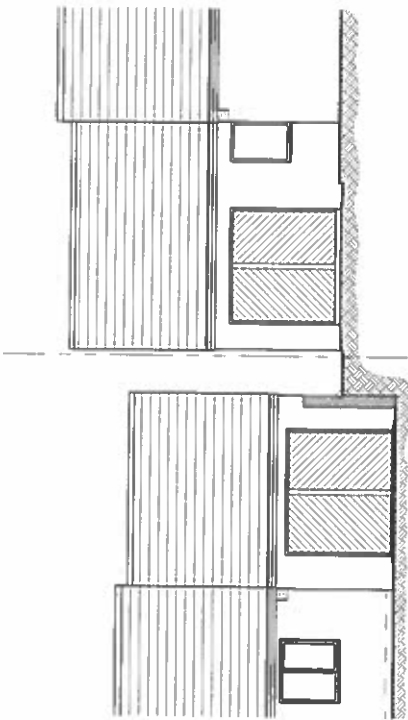
Section Through Site
Scale 1:100

Status									
Project		Proposed Retaining Wall 16 Rectory Lane Llanferres		Rev		Details		Date	
Title		Existing Side Elevation & Section Through Site				A D A M S			
Cod Rev		Scale		1:100 <small>0mm 10 20 30 40</small>		C O N S U L T I N G E N G I N E E R S L T D		Fron Deg, Clayton Road, Mold, Flintshire Tel.: 01352 754334 Fax: 01352 756201	
Date	Drawn	Checked	Approved	Project Ref.	Drg. No.	Rev.			
Jan 2018	SGL	TP		15065	S02	A			

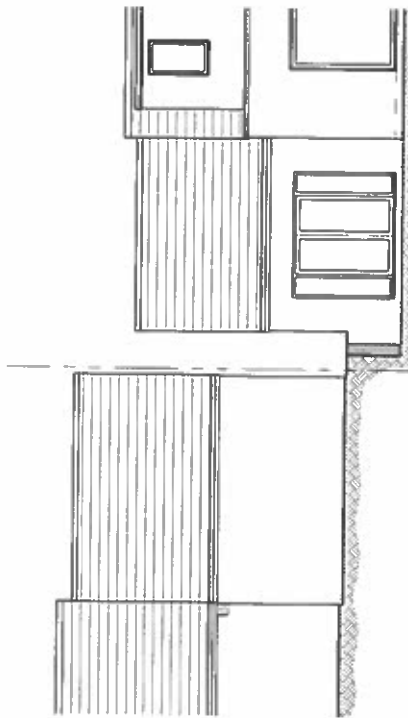
PROPOSED ELEVATIONS



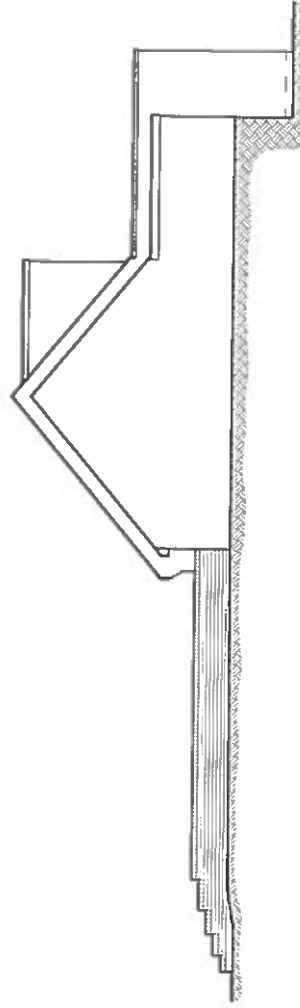
Proposed Front Elevation
Scale 1:100



Section Through Driveway
Scale 1:100



Proposed Rear Elevation
Scale 1:100



Proposed Side Elevation
Scale 1:100

Project Proposed Retaining Wall 16 Rectory Lane, Llanferres		ADAMS CONSU LT I N G EN G I N E E R S L T D Fron Deg, Clayton Road, Mold, Flintshire Tel.: 01352 754334 Fax: 01352 756201 Project Ref: 15065	
Title Proposed Front, Rear, Side Elevations & Section Through Driveway		Scale 1:100	Date 18/01/2018
Cad Rev -	Checked TP	Drawn SGL	Approved TP
Date 18/01/2018	Drawn SGL	Checked TP	Approved TP
Project Ref 15065	Dwg. No. P01	Rev. A	

WARD : Llanarmon Yn Ial / Llandegla

WARD MEMBER(S): Cllr Martyn Holland

APPLICATION NO: 21/2018/0293/ PF

PROPOSAL: Demolition of porch and erection of an attached garage (amedned scheme)

LOCATION: 16 Rectory Lane Llanferres Mold

APPLICANT: Mr Graham John

CONSTRAINTS: PROW
AONB

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

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

- Recommendation to grant / approve – Town / Community Council objection

CONSULTATION RESPONSES:

LLANFERRES COMMUNITY COUNCIL

“With reference to the above-mentioned Planning Application, the Community Council objects to this revised proposal. Its views are basically the same given when objecting to the original application 21/2017/0928.

There is a shared drive with No. 18, which has been in existence for over fifty years. Rights of way, with unhindered access, have therefore been established with mutual benefits to both parties. This revised proposal would result in this shared drive being divided into two separate drives with a height difference of over a metre and the access width halved.

The shared drive is by a pinch point in Rectory Lane, where the road not only narrows to 2.5 metres but is also at its steepest incline

Currently vehicles visiting either 16/18 Rectory Lane must enter across the neighbouring part of the shared drive. Manoeuvring requires crossing the centre line of the shared drive. The opening onto the shared drive also allows vehicles to pass each other in the lane, as the one going uphill can usually pull onto it.

This proposal would result in manoeuvring within No. 18 extremely difficult if not impossible, as would access by emergency and service vehicles.

The Amended Scheme therefore clearly fails criteria vii) of LDP Policy RD 1.

The excavation to build the attached garage would compromise the foundations of No. 18.

As the Amended Scheme has failed to meet any of our initial objections, the Community Council strongly opposes the application in its current form.”

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

“The Joint Committee has no objection to this application but would recommend that the front retaining wall should be faced in natural local stone to reflect the traditional character of boundary treatments in this locality.”

DENBIGHSHIRE COUNTY COUNCIL CONSULTEES –
Highways Officer
No objection.

RESPONSE TO PUBLICITY:

In objection

Representations received from:

D Jones, 18 Rectory Lane, Llanferres

Summary of planning based representations in objection:

Does not consider the amended application overcomes the previous reason for refusal.

The shared driveway is a feature common to all other properties situated on this part of Rectory Lane which is the steepest and narrowest section. The amendments suggested would not guarantee safe and convenient access and egress for No18, particularly for larger vehicles e.g. service or emergency vehicles. The shared driveways have been a necessary feature of these properties since 1964.

Also concerned that the quantity of material to be excavated may lead to the instability of the property and drive.

Visual impact of the proposed wall would also be detrimental to the existing open aspect of the property.

EXPIRY DATE OF APPLICATION: 29/08/2018

REASONS FOR DELAY IN DECISION:

- awaiting consideration by Committee

PLANNING ASSESSMENT:

1. THE PROPOSAL:

1.1 Summary of proposals

- 1.1.1 The proposal is for the demolition of an existing porch and the erection of an attached garage to the side of 16, Rectory Lane in Llanferres.
- 1.1.2 The existing driveway is at a higher ground level to the main dwelling and the proposal requires excavation works to lower the ground level of the existing drive and a new brick retaining wall is also proposed, which would be set 0.6m off the shared boundary with the neighbouring property to the west (no 18).
- 1.1.3 Section plans have been provided which show the proposed changes in ground levels. The section plans show the proposed driveway would be some 1m lower than existing ground levels (see details of the proposal at the front of this report).

1.2 Description of site and surroundings:

- 1.2.1 The site is a detached dwelling within a ribbon of residential development along the southern side of Rectory Lane, Llanferres, with properties along the lane all being detached but of a variety of forms and appearances.
- 1.2.2 Rectory Lane is a sloping road and therefore the dwellings along the lane are set at different levels as the road ascends from A494 to the east.
- 1.2.3 The dwelling at no 16 is set at a lower ground level to the neighbour to the west (no 18), however there is a shared driveway which serves both the properties which is set at the same ground level as No 18. As such, the existing driveway adjacent to the dwelling where the proposed attached garage extension is proposed to be built is approx. 1m higher level than compared to the ground levels immediately adjacent to the dwelling.

- 1.2.4 The retaining wall would be 1.6m above proposed ground levels on the applicant's side of the boundary, and 0.6m above the ground level of the neighbour's driveway.

1.3 Relevant planning constraints/considerations

- 1.3.1 The site is within the development boundary for Llanferres as shown on the Local Development Plan proposals map and is located within the AONB.

1.4 Relevant planning history

- 1.4.1 Planning permission for a garden store building in the rear garden granted in 2014.
- 1.4.2 The proposal is an amended scheme following a refusal to grant planning permission in November 2017. Section plans had not been provided with this application and the submission had failed to acknowledge there was any difference in ground levels with no details provided in relation to the excavation works or retaining walls. Due to the lack of information, the application was refused.

1.5 Developments/changes since the original submission

- 1.5.1 The Community Council and the neighbour have both referred to the driveway as being 'a shared drive' in their consultation responses, with both parties having a right of way over the respective neighbour's driveway. Whilst the existing driveways at no 16 and 18 have the same ground level and currently have a shared surface with no wall or fence in situ to delineate the boundary, this does not infer the driveways are in shared ownership.
- 1.5.2 The applicant's agent has checked the deeds to the property and has confirmed the driveways are not in shared ownership, and there is not covenant on the land which conveys any third party a legal right over the land. Therefore whilst the current situation is that each householder can drive over a section of their neighbour's drive when accessing and egressing their own driveways, this is an informal arrangement and neither neighbour has any legal right over the land outside their ownership.

1.6 Other relevant background information

- 1.6.1 None.

2. DETAILS OF PLANNING HISTORY:

- 2.1 21/2014/0033/PF Erection of a block building to the rear of the dwelling for storage of garden equipment. Granted under delegated powers on 6th March, 2014.
- 2.2 21/2017/0928?PF Demolition of porch and erection of an attached garage. Refused under delegated powers on 17th November, 2017. The reason for refusal was as follows:

1. It is the opinion of the Local Planning Authority that the proposed garage extension could not be facilitated without excavating and re-profiling the existing driveway which would result in the existing shared drive being subdivided to form two separate drives with differing ground levels. Without detailed information of the engineering operations required to excavate and re-profile the driveway, it is considered that insufficient information has been provided to demonstrate that, as a result of the development adequate manoeuvring space would be retained to allow vehicles to safely access and egress the shared driveway serving the application site and the driveway serving the neighbouring property, No 18 Rectory Lane, and therefore the proposal has the potential to adversely impact on highway safety contrary to Denbighshire Local Development Plan Policy RD1 vii) and the advice and guidance contained in Section 8 of Planning Policy Wales (Edition 9, November 2016) Technical Advice Note 18: Transport.

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

Policy RD3 – Extensions and alterations to existing dwellings
Policy VOE2 – Area of Outstanding Natural Beauty and Area of Outstanding Beauty
Policy ASA3 – Parking standards

Supplementary Planning Guidance
Supplementary Planning Guidance Note: Clwydian Range and Dee Valley Area of Outstanding Natural Beauty
Supplementary Planning Guidance Note: Parking Requirements In New Developments
Supplementary Planning Guidance Note: Residential Development
Supplementary Planning Guidance Note: Residential Space Standards

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 (including AONB)
- 4.1.3 Residential amenity
- 4.1.4 Highways (including access and parking)

Other matters

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.

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 RD1 requires that development proposals do not affect the amenity of local residents and land users and provide satisfactory amenity standards itself.

The site is within the AONB. Policy VOE2 seeks to restrict development proposals which would have an adverse impact on the character and setting of the AONB. The impact of the proposals on visual amenity is therefore a basic test in the policies of the development plan.

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 Community Council, the AONB Joint Advisory Committee and the neighbour. The representations focus on the changes to the ground levels and proposed retaining wall rather than the proposed garage extension.

Officers would consider the proposed attached garage is subordinate in scale and form and is sympathetically designed so that it is in keeping with the character of the existing house and locality.

The AONB have no objection to the proposal, but consider due to the setting within the AONB, the front retaining wall should be faced in natural local stone to reflect the traditional character of boundary treatments in this locality. Other representations consider the proposed wall would also be detrimental to the existing open aspect of the neighbouring property.

Whilst the driveway's serving a number of properties along Rectory Lane have a similar arrangement to the site, i.e. adjoining driveways with a shared surface and no boundary treatments, Officers would note that properties along the lane consist of a variety of forms and appearances and a number of the properties towards the end of the lane have driveways which are at different ground levels to the neighbouring property with a variety of boundary treatments. The current driveway arrangement is therefore not considered to be a unique characteristic of the area.

The AONB have requested the retaining wall is finished with local stone. Whilst the site is within the AONB, it is nevertheless a modern house within a built up residential area and Officers would note the boundary treatments along Rectory Lane are not uniform and consist of a mix of stone walls, fences, hedgerows and brick walls, and therefore Officers do not consider there is sufficient justification in this instance to require the wall to be stone facing.

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, it is considered 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 above.

4.2.3 Residential Amenity

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

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.

The Residential Development SPG states that no more than 75% of a residential property should be covered by buildings. The Residential Space Standards SPG specifies that 40m² of private external amenity space should be provided as a minimum standard for residential dwellings.

Representations on the residential amenity impacts have been made by the Community Council and the neighbour regarding the impact of the excavation works on the foundations and stability of the neighbouring property.

However, development close to a party wall including issues relating to structural stability are covered by the Party Wall Act and Officers would therefore consider the issues raised regarding structural stability to be a civil matter rather than a planning issue.

The proposed single storey pitched roof attached garage extension is subordinate in scale and form and is sympathetically designed. The garage would have double doors within the front elevation to access the garage and double door to the rear to access the garage from the rear of the property. There are no windows proposed within the side elevation.

Having regard to the scale, location and design of the proposed development, it is considered that the proposals would not have an unacceptable impact on residential amenity, and would therefore be in general compliance with the tests of the policies referred to.

4.2.4 Highways (including access and parking)

Local Development Plan Policy RD 1 supports development proposals subject to meeting tests (vii) and (viii) which oblige provision of safe and convenient access for a range of users, together with adequate parking, services and manoeuvring space; and require 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.

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 highway impacts of a development proposal are a material consideration

The existing driveway is currently set at a higher level to the main dwelling and is at the same ground level as the drive serving the neighbouring property. The two driveways have a shared surface and the boundary between the two properties is not delineated by any boundary treatments.

The proposal also includes works to reduce the ground level of the existing driveway by some 1m so that it is set at the same ground level as the dwelling, and a retaining wall is proposed to be built along the length of the drive.

Highways Officers have been consulted on the application and have raised no objection to the proposal.

The Community Council and the neighbour have raised concerns on highways grounds.

Consultees have noted the driveways have a shared surface with no division and currently vehicles visiting either 16 or 18 Rectory Lane must manoeuvre across the

neighbouring part of the shared drive and the opening onto the shared drive also allows vehicles to pass each other in the lane, as the one going uphill can usually pull onto it.

As the proposal would result in this shared drive being divided into two separate drives with a height difference of over a metre and the access width halved, consultees consider the proposal would make manoeuvring within No. 18 extremely difficult and adversely impact highway safety as they would not guarantee safe and convenient access and egress.

As stated in paragraph 1.5 above, whilst the driveway has a shared surface it is not in shared ownership, and the current arrangement whereby the respective neighbours can drive over the neighbouring driveway is an informal arrangement and is not due to any legal covenant or highway requirement.

Whilst Officers understand the concerns raised by the neighbour, it is noted that the retaining wall would not be up to the boundary, but rather is proposed to be set 0.5m in from the boundary leaving a strip of the applicant's driveway at the existing ground level, and the neighbour has further garden area to the front of their dwelling which they could utilise to help them manoeuvre onto their drive should they require it.

The adjoining driveways of other properties along Rectory Lane are already divided by boundary treatments and Officers would also note that, subject to height limits, the applicant is also free to enclose their land with fences, walls and gates under permitted development rights, so whilst the current arrangement whereby both neighbours can drive freely across both driveways is mutually convenient, there is no planning reason to require the existing arrangement to be retained in perpetuity.

The Community Council also notes the driveway is by a pinch point in Rectory Lane, and the drive at no 16 serves as a passing place for vehicles travelling up the hill. Officers would respectfully point out that the driveways are within private ownership and therefore should not be used as passing places by vehicles using the road. As noted above, the applicant (and any other properties within Rectory Lane) could erect a fence/wall along the front boundary under permitted development rights should they wish to which would prevent the drive being used as a passing place.

Highways Officers have raised no objection to the proposal on highway safety grounds.

Whilst the previous application was refused, the reason for refusal centred on the lack of information and accordingly Officers could not conclude the proposal would not adversely impact on highway safety. However, the current application is supported by section plans and details of the positioning and height of the retaining wall and therefore Officers consider the current scheme has provided sufficient information to address the previous reason for refusal.

Therefore, whilst concerns raised by the Community Council and the neighbour are acknowledged, Officers do not consider there is sufficient grounds to refuse planning permission on highway safety grounds and the proposal is considered to be in general compliance with the policies listed above.

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 The application is an amended scheme following a previous refusal.

5.2 Notwithstanding the concerns raised by the Community Council and the neighbour and having regard to the response of the Highway Officer, Officers would conclude the proposal would not have an unacceptable impact on highway safety.

5.3 Concerns relating to the excavation works on the structural stability of the neighbouring property would be a civil rather than a planning matter.

5.4 With regards to the visual appearance of the proposal, Officers consider the proposal would not give rise to unacceptable impacts on visual amenity of the locality or on the character and setting of the AONB.

5.5 Accordingly, having regard to the detailing of the proposals, the potential impacts on the locality, and the particular tests of the relevant policies, it is considered the information submitted with the current application is sufficient to overcome the previous reason for refusal and Officers therefore consider the proposal to be acceptable and the application is recommended for grant.

RECOMMENDATION: GRANT- subject to the following conditions:-

1. The development to which this permission relates shall be begun no later than 12th September 2023.
2. The development hereby permitted shall be carried out in strict accordance with details shown on the following submitted plans and documents unless specified as otherwise within any other condition pursuant to this permission:
 - (i) Site Location and Block Plans (Drawing No. L01) - Received 27 March 2018
 - (ii) Survey Plan, Existing Front and Rear Elevation (Drawing No. S01) - Received 27 March 2018
 - (iii) Existing Side Elevation and Section Through Site (Drawing No. S02) - Received 27 March 2018
 - (iv) Proposed Front, Rear, Side Elevations & Section Through Driveway (Drawing No. P01) - Received 27 March 2018
 - (v) Section A-A, B-B, Retaining Wall Detail (Drawing No. W01) - Received 27 March 2018
 - (vi) Existing Site Plan - Received 5 July 2018
 - (vii) Location Plan - Received 4 April 2018

The reasons for the conditions are:-

1. To comply with the provisions of Section 91 of the Town and Country Planning Act 1990.
2. For the avoidance of doubt and to ensure a satisfactory standard of development.

NOTES TO APPLICANT:

DWR CYMRU WELSH WATER Note to Applicant:

Dwr Cymru Welsh Water have advised that some public sewers and lateral drains may not be recorded on their maps of public sewers because they were originally privately owned and were

transferred into public ownership by nature of the Water Industry (Schemes of Adoption of Private Sewers) Regulations 2011. The presence of such assets may affect the proposal. In order to assist Dwr Cymru Welsh Water in dealing with the proposal they request you contact their Operations Contact Centre on 0800 085 3968 to establish the location and status of the sewer. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times.