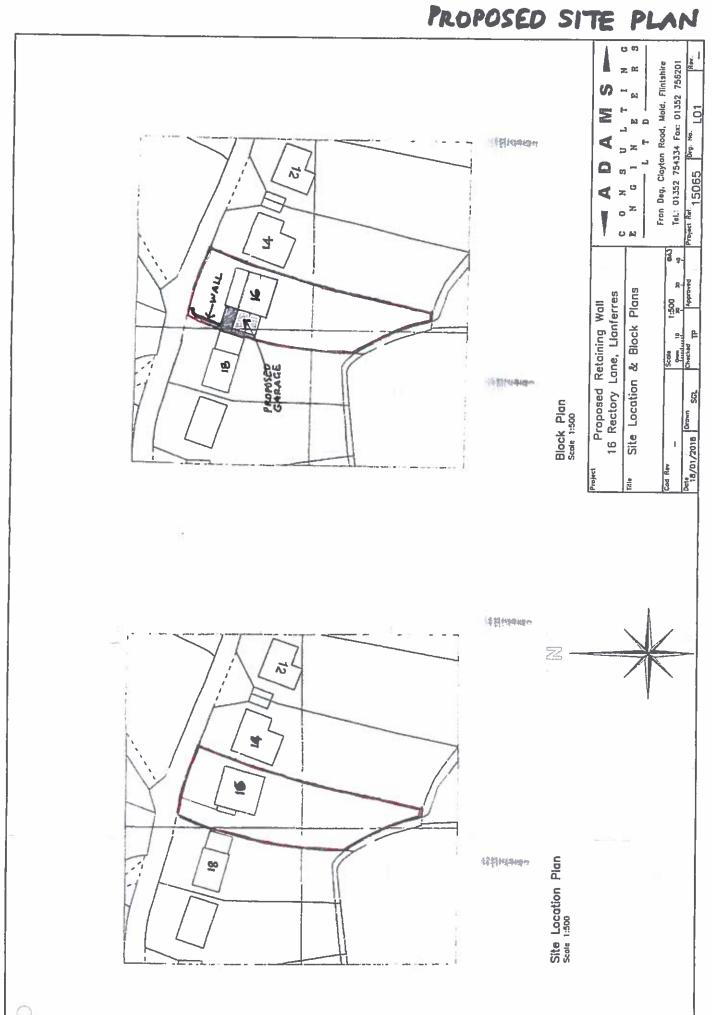


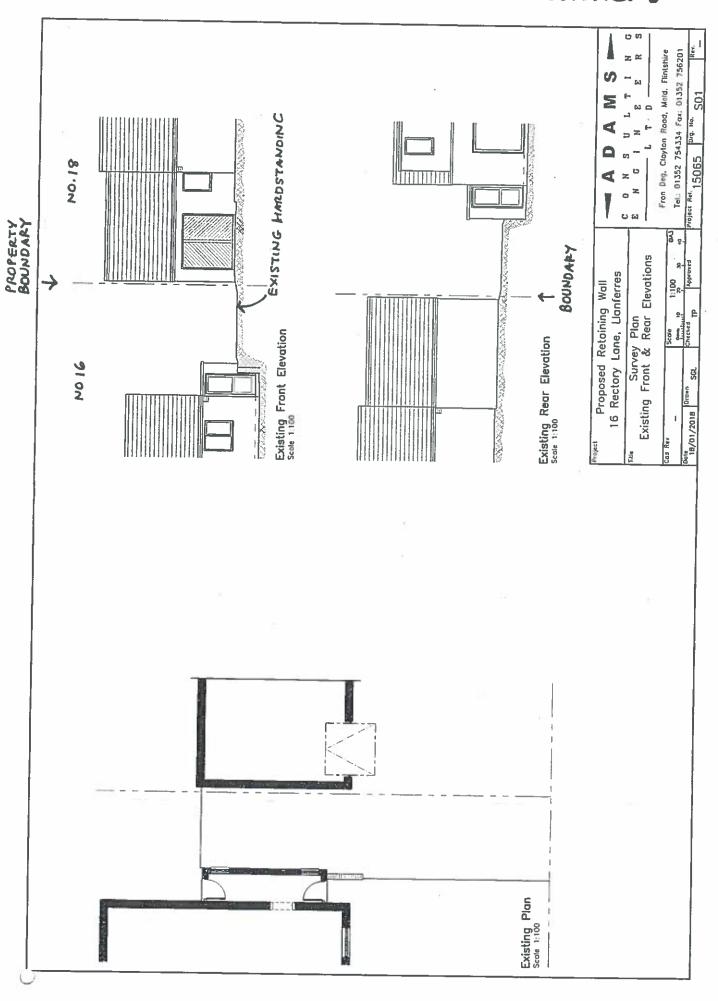
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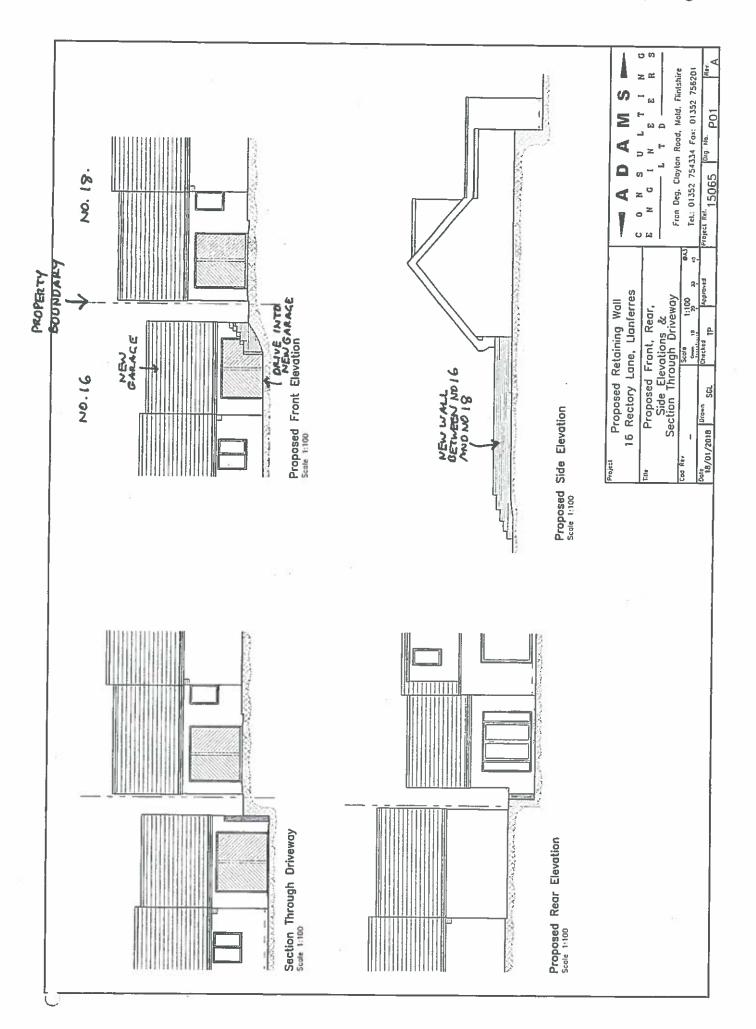


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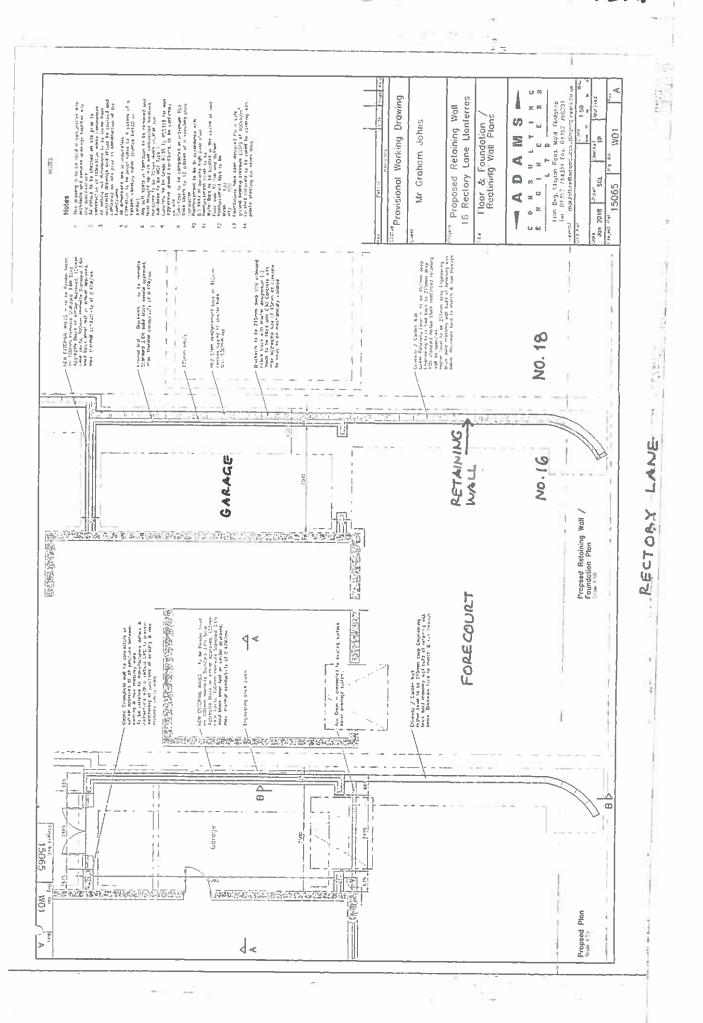
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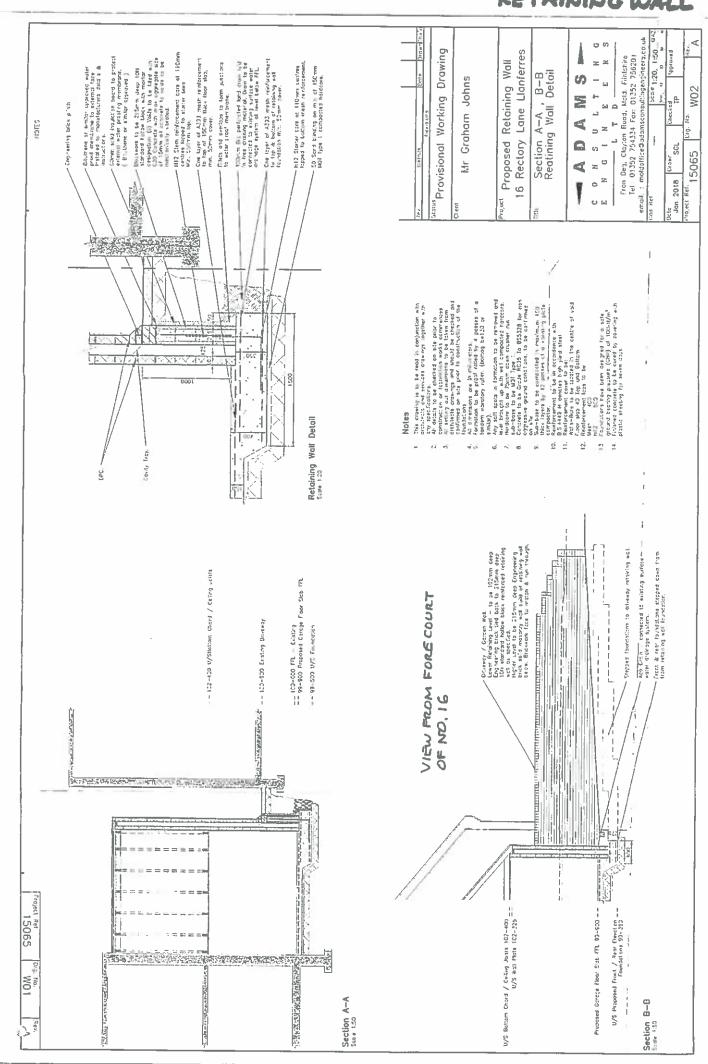
EXISTING FRONT & REAR ELEVATIONS



PROPOSED ELEVATIONS



DETAILED SITE PLAN



RETAINING WALL

	Denise Shaw
WARD :	Llanarmon Yn Iâl / 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 B. Barton, Glan Alyn, Llanferres Road, Llanarmon yn ial

Summary of planning based representations in objection:

Principle

The amended application does not overcome the previous reason for refusal.

Highways impact

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.

If approved, proposals would leave a very dangerous access and egress to no 18. Officer suggestion that the objector could adapt the area to the front of the dwelling to manoeuvre into the drive is unbelievable and reinforces concerns on the amenities of No.18. Proposal conflicts with criteria vii) of LDP Policy RD 1 - Sustainable Development and Good

Standard Design. The access and parking for no 18 are neither Sustainable nor Good Design.

Visual impact

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

Impact on stability of neighbouring property The quantity of material to be excavated may lead to the instability of the property and drive.

EXPIRY DATE OF APPLICATION: 29/08/2018

REASONS FOR DELAY IN DECISION:

• awaiting consideration by Committee

PLANNING ASSESSMENT:

1. THE PROPOSAL:

- 1.1 <u>Summary of proposals</u>
 - 1.1.1 Consideration of the application was deferred at Planning Committee in September to allow a Site Inspection Panel to visit to assess the proposals. The notes of the Site Inspection Panel will be attached to the Late Information sheets.
 - 1.1.2 The proposal as described on the application forms is for 'proposed attached garage'. It involves the demolition of an existing porch and the erection of a garage extension to the side of 16, Rectory Lane in Llanferres. Associated works include the erection of a retaining wall between the driveways / parking areas in front of nos. 16 and 18 and the lowering of the level of a section of land in front of the proposed garage to allow for level access into the garage.
 - 1.1.3 The dimensions of the proposed garage would be 3.8m by 8.5m, scaled off the plans. The retaining wall forming the side wall of the garage, extending out into the driveway would be set back some 0.7m off the boundary with No 18. Section plans show the proposed changes in ground levels, and indicate the proposed driveway would be some 1m lower than existing ground levels in the area immediately adjacent to the retaining wall. The proposed wall in front of the garage between Nos 16 and 18 would be 1.6m above final ground level on the side of No 16 and 0.6m above ground level

on the side of No 18. The details of the proposal can best be appreciated from the plans at the front of this report.

- 1.1.4 Whilst it may be pertinent to the consideration of the application that that the erection of the retaining wall and its associated revisions to the access arrangements would in themselves be 'permitted development' (not requiring the permission of the local planning authority), Officers take the view that as the retaining wall and ground levelling works are necessary to enable the construction of the garage and its subsequent use, then they should be considered to be an integral part of the application and subject to due assessment as part of the determination of the application.
- 1.2 Description of site and surroundings:
 - 1.2.1 No 16 is a detached single storey 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 design and use of materials.
 - 1.2.2 Rectory Lane rises from the A494, resulting in dwellings being set at different levels as the road runs up to the west.
 - 1.2.3 The existing topography at the site can be appreciated from the plans at the front of the report. The land slopes down roughly from north to south, with No 16 at a lower level than No 18. The original developments at nos 16 and 18 involved the erection of two flat roof garages between the dwellings, with a floor level set similar to the dwelling at No 18. Both garages have been demolished and there is a modern pitched roof garage extension on the eastern side of No 18 which extends virtually up to the boundary with No. 16. Presently the remainder of the land between the dwelling at No 16 and Rectory Lane is a levelled hardcore area which can be used for the parking of vehicles.

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 was granted in 2014.
 - 1.4.2 The current proposal is an amended scheme following a refusal in November 2017, based on inadequate details on the submitted plans to show the difference in ground levels and necessary excavation works and retaining walls.
- 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 along the common boundary between Nos 16 and 18 are at the same 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 no covenant on the land which conveys any third party a legal right over the land. Therefore it would appear that 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 <u>Other relevant background information</u> 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 safety 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

<u>Government Policy / Guidance</u> 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 4.1.3 Visual amenity (including AONB)
 - 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.

Representations on the visual amenity impacts have been made by the Community Council, the AONB Joint Advisory Committee and the neighbour. The representations focus on the changes to the ground levels and proposed retaining wall.

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 access arrangements serving some of the properties along Rectory Lane have a similar arrangement to the site, i.e. adjoining driveways with a shared surface, it is to be noted that there is a wide variety of detailing and approaches to the access arrangements and use of external materials and boundary treatment. A number of the properties towards the end of the lane have driveways which are at different ground levels to neighbouring properties with a variety of boundary treatments, including stone walls, brick walls, rendered walls, wooden fences, and natural planting. The current driveway arrangement is therefore not considered to be a unique characteristic of the area.

In respecting the suggestion of the AONB Committee that he retaining wall is finished with local stone, having regard to the above observations Officers do not consider there is sufficient justification in this instance to require the wall to be stone faced.

It is however considered reasonable to suggest imposition of a condition on any permission requiring submission and approval of the materials to be used on the walls and proposals for hard and soft landscaping of the area between the dwelling and the road.

Having regard to the design, siting, scale, massing and materials of the proposed extension and the boundary wall 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.

In noting representations on the residential amenity impacts from the Community Council and the neighbour regarding the impact of the excavation works on the foundations and stability of the neighbouring property, developments close to a boundary / party wall including issues relating to structural stability are subject to scrutiny and safeguards under the Building Regulations and the Party Walls Act.

The proposed single storey pitched roof attached garage extension is subordinate in scale and form and is sympathetically designed. There would be double doors within the front elevation to access the garage and doubles to the rear to access it from the rear of the property. There are no windows proposed within the side elevation. It is not considered there are any adverse impacts likely in terms of overlooking, loss of privacy etc.

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 Community Council and individual objectors have raised concerns on highway grounds. The Community Council 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. 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, the objectors concern is that the proposal would make manoeuvring into and out of No. 18 difficult and adversely impact on highway safety as this would not guarantee safe and convenient access and egress.

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

As noted previously, the section of driveway leading to the garage which served No 16 is set at a higher level than the main dwelling and its open forecourt, being at the same ground level as the drive serving the neighbouring property. The driveways to the old garage have a shared surface and the actual boundary between the two properties is not delineated by any fence, wall etc.

The proposal also includes works to reduce the ground level of part of the existing driveway by some 1m so that it is set at the same ground level as the garage, and a retaining wall is proposed to be built along the length of the drive, some 0.6m from the boundary with No18.

As mentioned in section 1.5 of the report, whilst the driveway to the original garages has a shared surface, the applicant has advised 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 constrained by any legal covenant or highway requirement. It is not a matter for the Council to interfere with private legal agreements over the use of land.

Whilst Officers understand the concerns raised, it is to be noted that the retaining wall would not be located on the property boundary, but is proposed to be set 0.7m in from the boundary leaving the neighbour's driveway at the existing level.

A number of adjoining driveways of other properties along Rectory Lane are already delineated by physical boundary features, so the arrangements which would be brought about by the erection of the retaining wall would not be unique, or create an arrangement for accessing driveways which is substantially different to what is already in place for some of the properties along the lane. The original drivewas to Nos 16 and 18 are within private ownership and therefore there is no 'right' for users of the road to use them as a passing place. It is also to be noted that regardless of the current application, the owner of the property and others along Rectory Lane could erect a fence/wall along the side boundary up to 2 meters height, and up to 1 metre along the highway under permitted development rights should they wish, which would also prevent the drive being used as a passing place.

Whilst the previous application was refused, the reason for refusal centred on the lack of information and accordingly Officers could not conclude that 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 concerns.

In conclusion, whilst concerns raised by the Community Council and the objectors are acknowledged, Officers do not consider there are reasonable grounds to refuse planning permission on highway safety grounds. The Highway Officer has no objections and the proposal is therefore 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 objectors and having regard to the response of the Highway Officer, Officers 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 can be addressed through legislation outside planning control.
- 5.4 With regards to the visual appearance of the extension and associated developments, Officers consider these 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 address the previous grounds for refusal and Officers therefore consider the proposals to be acceptable.

RECOMMENDATION: GRANT- subject to the following conditions:-

- 1. The development to which this permission relates shall be begun no later than 17th October 2023.
- 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
- 3. No development shall be permitted to commence until the written approval of the Local Planning Authority has been obtained to the proposed material to be used on the external faces of the walls of the extension and the retaining wall, the treatment of all the land between the dwelling and Rectory Lane, to include full details of the layout, pathways, surfacing materials, boundary treatment and soft landscaping. The development shall be carried out strictly in accordance with the details as approved.

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.
- 3. In the interests of visual amenity.