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BLOCK PLAN



WYNN ROGERS
Architectural Services Ltd

N. BRYN COLBORNE M.C.I.A.T.
Chartered Architectural Technologist

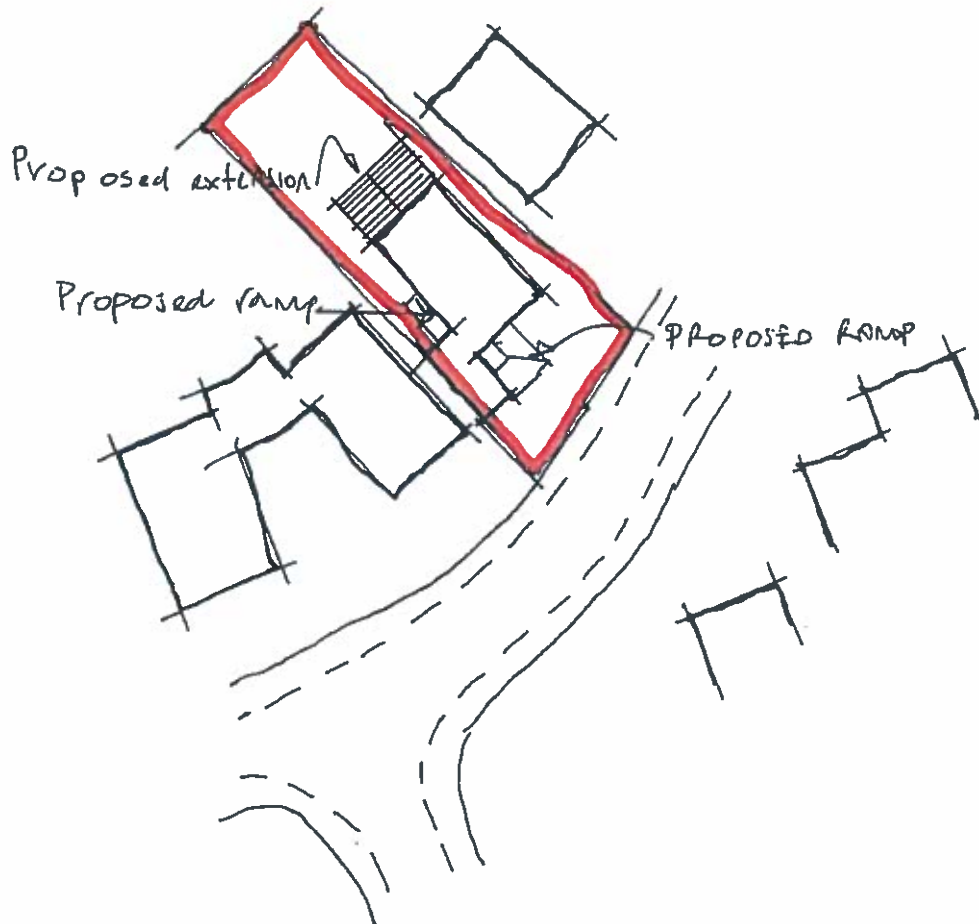
G. LLOYD EVANS
Architectural Technologist

Studio 3, Rosemary Lane, Denbigh, LL16 3TT

01745 812100

Your selfish out:

48 BRYN RHYDD RUTHIN

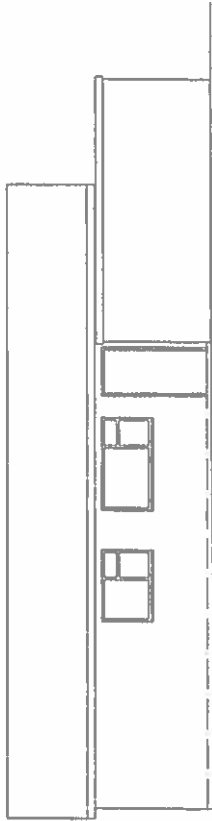


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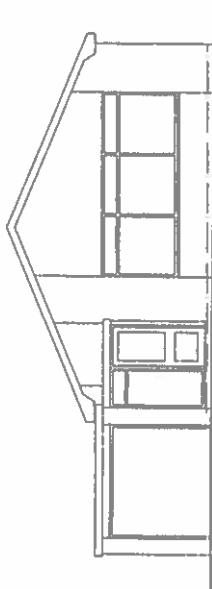
EXISTING ELEVATION PLANS

NOTES:

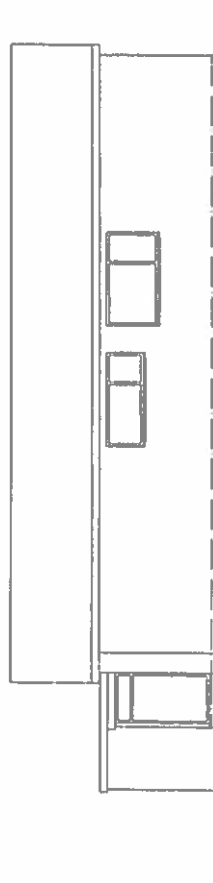
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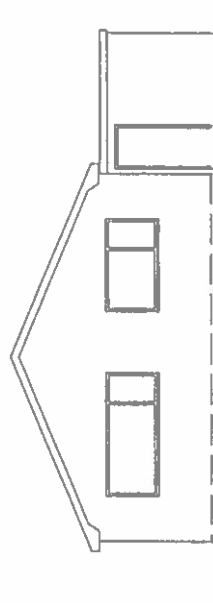
front



side



side



rear

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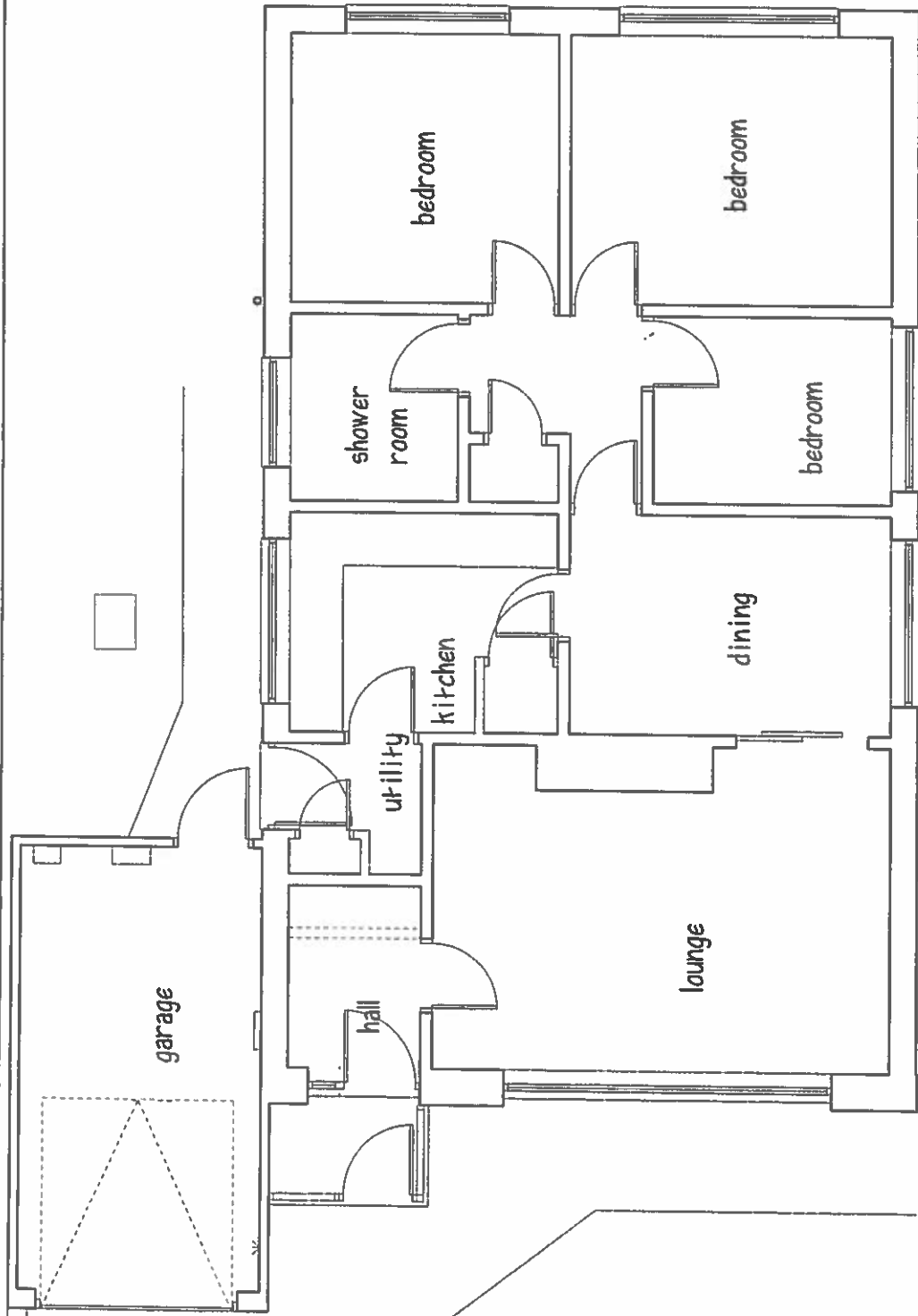
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DRAWN	NBC	SCALE	1:100
DRAWN TITLE	ELEVATIONS of existing	DATE	JUNE 18
CLIENT	GRWP CYNEFIN	PAPER	A3

ELEVATIONS as existing | : 100

EXISTING FLOOR PLAN

NOTES:

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PROJECT NO.	571433	DRAWING NO.	1
SOURCE	NBC	DATE	JUNE 18
SCALE	1:50	PAPER	A3

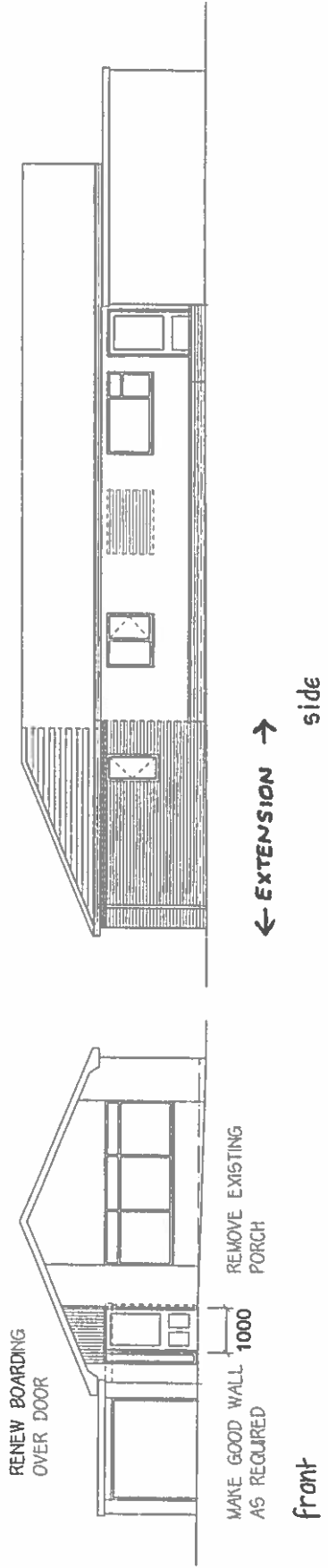
PROJECT
 48 BRYN RHYDD RUTHIN
 DRAWING TITLE
 ELEVATIONS as existing
 CLIENT
 GRŵP CYNEFIN

PLAN as existing 1 : 50

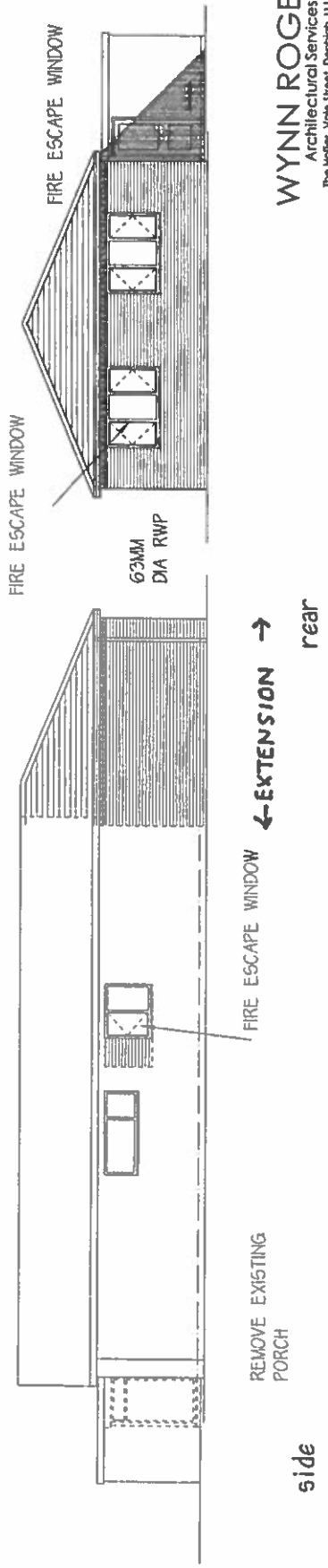
PROPOSED ELEVATION PLANS

NOTES:

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front



side

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PROJECT NO.	511433	DRAWING NO.	4
DRAWN	NBC	CHECKED	NBC
SCALE	1:100	DATE	08/01/18
CLIENT	GRWP CYNEFIN	PROJECT	48 BRYN RHYDD RUTHIN

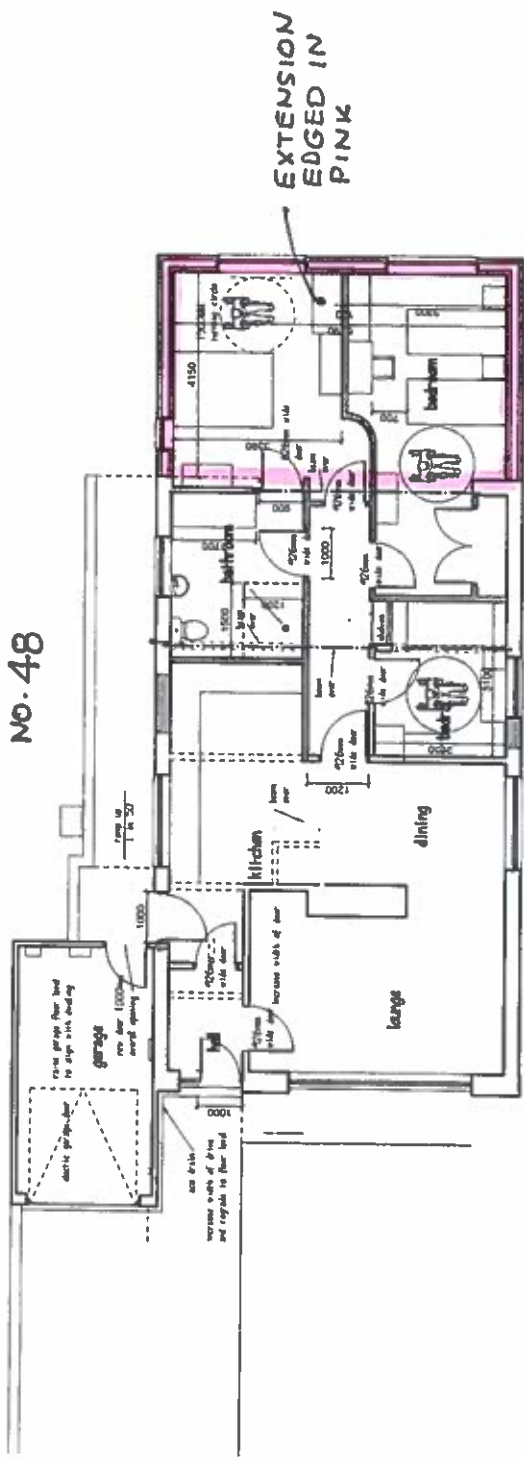
ELEVATIONS as proposed 1 : 100 - option b with hipped roof to extension

PROPOSED FLOOR PLAN

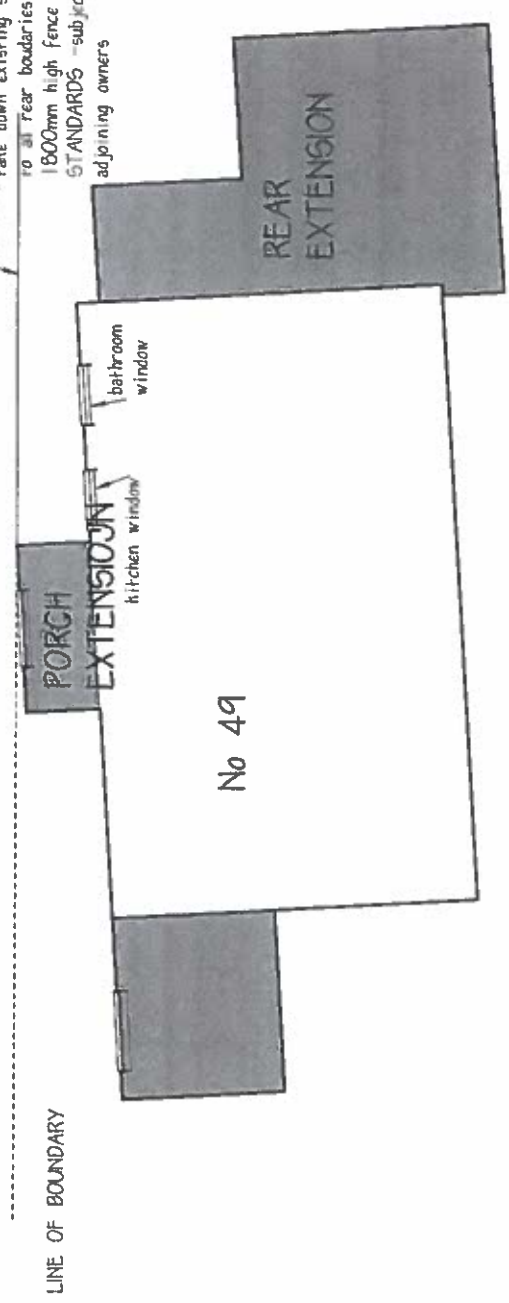
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INCORPORATED IN ENGLAND
17, THE SQUARE, 2/F, SOUTH MOLTON, LEICESTER, LE17 6DQ

WYNN ROGERS & PARTNERS
ARL BERRY BUILDING DESIGN

Project	PLAN AS PROPOSED
Drawn by	GRW/CYM/EN
Checked by	
Date	OCT 13
Scale	1:50
Sheet No.	41



take down existing screen fence to all rear boundaries and renew in 1800mm high fence to SECURE BY DESIGN STANDARDS -subject to agreement with adjoining owners



amended 25 oct 18 reduced size to rear extension

WARD : Ruthin

WARD MEMBERS: Councillors Bobby Feeley, Huw Hilditch Roberts and Emrys Wynne (c)

APPLICATION NO: 02/2018/0952/PF

PROPOSAL: Erection of extension and alterations to dwelling

LOCATION: 48 Bryn Rhydd Ruthin

APPLICANT: Mr Osian Dymment, Grwp Cynefin

CONSTRAINTS: None

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 – 4 or more objections received

CONSULTATION RESPONSES:

RUTHIN TOWN COUNCIL

“No objections”.

RESPONSE TO PUBLICITY:

Representations in objection

Representations received from:

Mr & Mrs D & P Nicholas, 49 Bryn Rhydd, Ruthin
Kerry James Planning on behalf of Mr & Mrs Nicholas, 49 Bryn Rhydd, Ruthin
J S Pilkington, Pen Y Llan Road, Panymwyn
Sarah Hancox, 12 Gardd Eithin, Northop Hall
Edith Ede, 52 Bryn Rhydd, Ruthin
Zoe Rogers, 50 Bryn Rhydd, Ruthin
David Booth, Pant Mawr, Bontuchel, Ruthin (trustee of 47 Bryn Rhydd)
Esmor Williams, 55, Bryn Rhydd, Ruthin

Summary of planning based representations in objection to original submission:

Residential amenity:

- Unacceptable adverse impact on No. 49 Bryn Rhydd due to loss of right to light to bathroom and kitchen windows in side elevation of neighbouring property which are in constant use for everyday living, overshadowing garden, visual amenity / sense of enclosure, loss of privacy / overlooking neighbours garden. In particular concerns on outlook from kitchen and bathroom windows in side elevation of neighbouring property and proximity of the extension to the shared side boundary. Will have a detrimental effect on neighbour's wellbeing and health.
- Unacceptable adverse impact on No 47 Bryn Rhydd due to size, depth, width, height and massing of extension (overshadowing, loss of light, overlooking, overbearing impact)
- Unacceptable adverse impact on No. 50 Bryn Rhydd – bungalow to rear is lower, and windows in rear elevation of extension will face directly towards main living area windows at No. 50. Would have an overbearing impact, overshadow and overlook No. 50.

- Overbearing impact on other neighbouring properties.
- Noise and disturbance during construction.

Visual amenity / design:

- Extension is out of scale and character in terms of appearance and locality.
- Loss of green space and open aspect would have negative impact on surrounding neighbourhood
- High density / overdevelopment of plot

Highways / traffic:

- Estate road not adequate for parking / loading / turning of heavy construction vehicles
- Construction traffic would compromise pedestrian safety
- Redevelopment of front would result in insufficient onsite parking / increase on-road parking close to sharp bend causing highway safety issue.
- Extending the property will mean there is likely to be more vehicles at the property.

Other comments:

- Previous consent should be implemented instead.

Summary of planning based representations in objection to revised scheme:

- revised plans do not address previous concerns raised, and therefore reiterate original objections.

In relation to the revised plans, following detailed comments have been made in respect to the impact of the amended scheme on No. 49 Bryn Rhydd:

Residential amenity:

- The amended proposals include the reduction in depth of the extension by 0.15 metres, the provision of a hipped roof and the erection of a 1.8 metre high fence - these amendments do not overcome impact on No. 49.
- The amended scheme would still appear very overbearing and over dominant when viewed from windows in side elevation of No. 49. The extension would still block out the light to the habitable room and the bathroom.
- The amended scheme would still fail to comply with the guidance expressed in the SPG.
- Extension would still project more than four metres from the existing rear elevation.
- The separation distance between side elevations of numbers 48 and 49 would still remain at less than 2 metres, significantly below the requirement of 15 metres where a wall contains habitable windows in an adjacent property.
- The separation distance between habitable windows of numbers 48 and 50 Bryn Rhydd would still be less than the required 21 metres as a result of the amended scheme.
- Amended scheme would cause significant harm to the residential amenity which the occupiers of number 49 could reasonably expect to enjoy.

Visual amenity:

- The small reduction in the depth of the proposed extension and the hipped roof would not alleviate the concerns over the harm to the visual amenity of neighbouring property, the site and wider locality.

The development therefore would fail to comply with Policy RD 1 and RD 3 and SPG.

Summary of re-consultation representations:

Representations in support

Representations received from:

Gareth Purvis, 4 Stryd Y Eos, Ruthin, LL15 1QG

Paul Adams, 81 Haulfryn, Ruthin, LL15 1HA

Claire Williams, 7 Lon Glyn

Juan Carlos Prieto Ortega, 4 Stryd Yr Eos, Ruthin, LL15 1QG
Rachael Corry-Danieluk, 51 Denbigh Circle, Kinmel Bay
Lonny Danieluk, 51 Denbigh circle
Glenn Johnson, 14 Royal Way, Baddeley Green, ST2 7QB
Clare Dallolio, Rhoswern, Wernfechan, Ruthin, LL15 1EU
Jane Adams, 5 Birches Way, Kidsgrove
Esther Allnutt, 3 Park Drive, Holywell

Summary of planning based representations in support:

- General support for the proposal
- Lack of wheelchair accessible properties in Ruthin area.
- Would make the house suitable / accessible for future disabled occupants
- Other properties in the area have been extended.
- Similar size to extensions at neighbouring property.
- Building works wouldn't last too long

EXPIRY DATE OF APPLICATION: 22/11/2018

REASONS FOR DELAY IN DECISION (where applicable):

- re-consultations / further publicity necessary on amended plans and / or additional information
- awaiting consideration by Committee

PLANNING ASSESSMENT:

1. THE PROPOSAL:

1.1 Summary of proposals

- 1.1.1 The main elements of the application are the erection of a single storey extension to the rear of the dwelling at 48 Bryn Rhydd, along with the removal of an existing porch and provision of accessibility ramps.
- 1.1.2 The extension would span the width of the existing dwelling, and scaled off the plans would measure 7 metres wide and would project 4.2 metres out from the existing rear elevation of the dwelling. It would have an eaves height of 2.3 metres and a ridge height of 4 metres. It would have a hipped, pitched roof, as shown on the plans at the front of this report.
- 1.1.3 The extension would provide space for an additional two bedrooms, and associated internal and external works are geared at making the property accessible for persons with mobility problems. The applicant is a social housing provider, and additional information has been submitted to confirm the proposals are to make the property accessible for wheelchair users and future disabled occupants, and that the extension has been designed to meet space standards set out by Welsh Government.
- 1.1.4 The main windows in the extension face out to the rear garden, with a small window in the south west facing elevation facing towards the side boundary with No 47.
- 1.1.5 There are associated alterations to the existing dwelling including the blocking off of what is currently a shower room window on the side facing No.47, and the insertion of a new bathroom window on the side elevation facing No. 47; and the reduction in size of an existing bedroom window facing towards the side boundary with No.49.
- 1.1.6 As noted, the proposed extension would be the same width as the existing dwelling, and would maintain the same distance to the respective boundaries with the neighbours – scaled from the plans, the side walls being approximately 0.9 metre from the boundary fence with No 49 and 2 metres from the side wall of that dwelling; and 2 metres from the boundary fence with No.47 and 3 metres from the side wall of that dwelling.

- 1.1.7 The additional information provided has also confirmed that in order to meet Secure By Design requirements, 1.8 metre high timber fencing would be erected to all rear boundaries and side boundaries. Fences of this height are 'permitted development' and can be erected without the need for planning permission.

1.2 Description of site and surroundings

- 1.2.1 The site is located within a residential housing estate in Ruthin.
- 1.2.2 The property is a detached bungalow, with a linked garage which runs along the boundary with No.47.
- 1.2.3 There are detached bungalows sited to the side and rear. No 47. Bryn Rhydd is the neighbour to the south-west; No. 49 Bryn Rhydd is the neighbour to the north-east and No. 50 Bryn Rhydd is the neighbour to the rear.
- 1.2.4 The main side walls of the bungalow to the north-east, No 49 Bryn Rhydd are some 2 metres from the main side walls of No. 48. No. 49 has a kitchen / dining room and bathroom window on the side of the original dwelling facing towards No.48. No. 49 has been extended since it was originally built, in the form of:
- a side porch extension between the dwelling and the boundary with No.48. This has a window immediately on the boundary with No.48
 - a rear extension which projects out by some 5 metres.
 - A sun room extension which projects some 3.5 metres in front of the original dwelling, towards the road. This extension runs parallel to, and some 2 metres of the side boundary of No 48, and is located in front of the side dining room window of No 48.

There is a 1.5m high screen fence running along the boundary between Nos 48 and 49, leaving approximately 1m circulation space around the side of the respective dwellings.

The relationships between the dwellings are best appreciated from the plans at the front of the report.

- 1.2.5 The main side walls of the bungalow to the south west, No. 47 Bryn Rhydd, are some 3.5 metres from the main side walls of No 48 at the rear of the property. No. 47 has a door and two side windows on its side elevation facing towards No. 48. There is a 1 metre high screen fence running along the boundary between Nos. 47 and 48, leaving approximately 2 metre circulation space around the side of No, 48 and 1 metre around the side of No.47.
- 1.2.6 The bungalow to the north west, No. 50 Bryn Rhydd, also has a door and two side windows on its side elevation facing towards the rear garden of No.48. This side elevation is some 1 metre from an existing 1.5 metre high screen fence which runs between the properties. The rear wall of the extension would be some 10 metres from the boundary with No. 50 and 11 metres from the side wall of that dwelling.

1.3 Relevant planning constraints/considerations

- 1.3.1 The site is within the Ruthin development boundary as defined in the Local Development Plan.

1.4 Relevant planning history

- 1.4.1 Planning permission was granted in September 2018 for the conversion of the garage at No. 48 to a bathroom and store. This permission has not been implemented.
- 1.4.2 The dwelling immediately to the east, No.49 has a single storey pitched roof sun room extension at the front of the dwelling, granted in 2008, and a two bedroom extension at the rear, granted in 1980.

1.5 Developments/changes since the original submission

1.5.1 The current proposal has been amended during the course of the application in response to public representations. The main amendment involves the introduction of a hipped roof design in place of the originally proposed gable roof on the extension.

1.5.2 The amended plans have been subject to a full re-consultation.

1.6 Other relevant background information

1.6.1 It is to be noted that permitted development rights have not been removed or restricted at the application site, and therefore standard rights to extend in accordance with national legislation apply.

1.6.2 In respect of the proposed extension, the relevance of the above is that if the projection of the extension was reduced by 0.2m / 20cm (approximately 8 inches) so that it would project no more than 4m from the rear elevation, it would fall within householder permitted development rights, and no planning permission would be required. This is a relevant 'fallback' position which is referred to later in the report.

1.6.3 The 1.8 metre high fencing proposed along the rear and side boundaries can be erected under permitted development rights, and therefore this is not included as part of the current planning application.

2. DETAILS OF PLANNING HISTORY:

2.1 In relation to No. 48:

02/2018/0676. Conversion of garage to bathroom and store and associated works including access ramp. Granted 14/09/2018.

2.2 In relation to No.49:

02/2007/1465

Erection of pitched roof sun room extension at front of dwelling
Granted 25/01/2008

02/4527

Extension to existing dwelling
Granted 27/06/1980

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 ASA3 – Parking standards

3.2 Supplementary Planning Guidance

Supplementary Planning Guidance Note: Access for All

Supplementary Planning Guidance Note: Parking Requirements In New Developments

Supplementary Planning Guidance Note: Residential Development

Supplementary Planning Guidance Note: Residential Space Standards

3.3 Government Policy / Guidance

Planning Policy Wales Edition 9 November 2016

Development Control Manual

4. MAIN PLANNING CONSIDERATIONS:

In terms of general guidance on matters relevant to the consideration of a planning application, Planning Policy Wales Edition 9, 2016 (PPW) confirms the requirement that planning applications 'should be determined in accordance with the approved or adopted development plan for the area, unless material considerations indicate otherwise' (Section 3.1.3). It advises that material

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

The Development Management Manual 2016 states that material considerations can include the number, size, layout, design and appearance of buildings, the means of access, landscaping, service availability and the impact on the neighbourhood and on the environment (Section 9.4).

The following paragraphs in Section 4 of the report therefore refer to the policies of the Denbighshire Local Development Plan, and to the material planning considerations which are considered to be of relevance to the proposal.

4.1 The main land use planning issues in relation to the application are considered to be:

- 4.1.1 Principle
- 4.1.2 Visual amenity
- 4.1.3 Residential amenity

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 Residential Development SPG supplements the LDP policies by detailing guidance on the principles to be applied to the scale and form of extensions to dwellings. It sets out considerations to be addressed to ensure that extensions should not result in overdevelopment of a plot. These are outlined below.

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

Representations have been made in relation to visual amenity impacts on the basis that the proposal is overdevelopment of the plot and the extension is out of scale and character in terms of the appearance of the existing dwelling and the locality.

With regards to the scale and form of the extension, in respecting concerns raised by private individuals, Officers consider it would clearly be subordinate in scale to the original dwelling, and its design would be in keeping with that of the original dwelling and the character of development in the area, as may be appreciated from viewing the elevation plans at the front of the report.

In relation to the concerns of overdevelopment of the plot, the guidance in the Residential Development SPG states:

- no more than 75% of a site should be covered. In this case, with the extension, it is estimated that approximately 30% of the plot would be covered if the extension were built.
- a minimum of 40 square metres of amenity space should be retained for a smaller dwelling, and 70 square metres for a larger dwelling. In this case a main garden area of 100 square metres would remain.
- a 1 metre circulation strip around the building should be retained. The proposals maintain approximately a 0.9 metre circulation strip.
- sufficient on site parking should be retained. The proposals do not affect the existing parking provision.

On the basis of the above, it is not considered that the proposal would represent overdevelopment of the plot.

Consequently, in noting the concerns raised, Officers would conclude that 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, and the locality, the proposals would not have an unacceptable impact on visual amenity and would therefore be in general compliance with the tests in the policies and guidance referred to.

4.2.3 Residential Amenity

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 supplements the LDP policies by detailing guidance on the principles to be applied to impact of extensions on the residential amenities of occupiers of neighbouring properties. It advises that one of the main issues involved with rear extensions is the need to protect the amenities of occupiers of dwellings immediately adjoining a proposed extension, in terms of protecting privacy, maintaining sunlight and daylight and maintaining a reasonable outlook. The SPG outlines principles to be applied to assessment of :

- The depth and height of extensions
- The potential for overshadowing
- Impact on privacy and overlooking

These are reviewed in the following paragraphs.

There are a number of representations in objection to the application based on the residential amenity impacts. The concerns raised focus on the impact of the proposed extension on neighbouring properties, and in particular No. 47, No. 49 and No. 50 Bryn Rhydd, in terms of overshadowing properties and gardens, loss of light and outlook, loss of privacy / overlooking and overbearing impact.

In relation to the depth and height of an extension

Section 6.2 of the Residential Development SPG sets out principles for assessing the acceptability of the projection of an extension beyond the rear wall of a dwelling which is on or close to a party /boundary wall. It suggests extensions should not be more than 3 metres for a terrace house, and 4 metres for a semi-detached / detached dwelling; and that proposals which exceed the criteria will generally be considered unacceptable unless it can be demonstrated that adequate amenity standards can be preserved through design detailing.

In this case, the proposed rear extension would project 4.2 metres out from the existing rear wall of No.48, i.e. some 0.2 metres (8 inches) over the figure referred to in the SPG as a guide to what may be acceptable. Whilst acknowledging the minor extent to which the extension would exceed the 4 metre figure in the guidance, Officers would strongly urge Members to assess the actual harm which the particular proposal may give rise to in terms of impacts on neighbouring property rather than base a determination on application of a nominal figure for the depth of an extension. The main impacts are reviewed in the following section of the report.

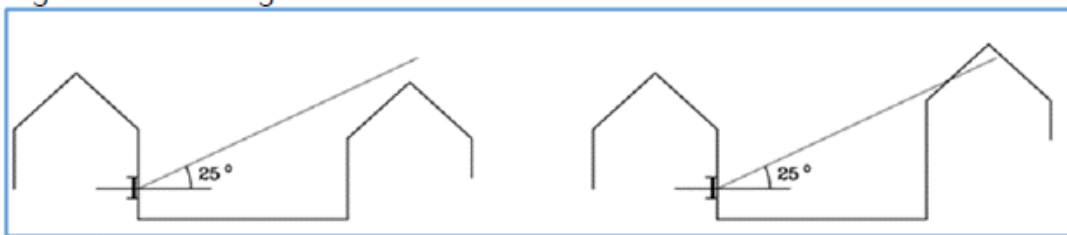
In relation to the potential for overshadowing

The Supplementary Guidance outlines matters for consideration in relation to front, side and rear extensions to dwellings. In relation to rear extensions, it provides a tool to help assess whether a proposed extension would have adverse impact on adjoining property in terms of overshadowing habitable room windows. The SPG illustrates how what are termed the 25 degree guide and 45 degree guide may be applied to assist assessment of applications.

The 25 degree guide would only be of relevance to the relationship with No.50. As the respective properties are single storey, and the extension would be located some 11 metres from the side wall of No. 50, even if the screen fence immediately in front of the windows facing towards the extension were to be removed, the 25 degree line would not be broken by the extension and it is not considered there would be any unacceptable loss of sunlight / daylight in relation to this property. Here is the extract from the SPG explaining the 25 degree rule:

25° guide: An imaginary line is vertically drawn at 25° from the centre of the nearest ground floor window of any habitable room in an opposite property. Suitable sunlight is achieved when no part of the proposed development crosses this line. If the proposed building opposite would have a high ridge, the loss of daylight will be more notable than if it were to have a lower ridge height. However, the minimum separation distances between buildings precedes this approach.

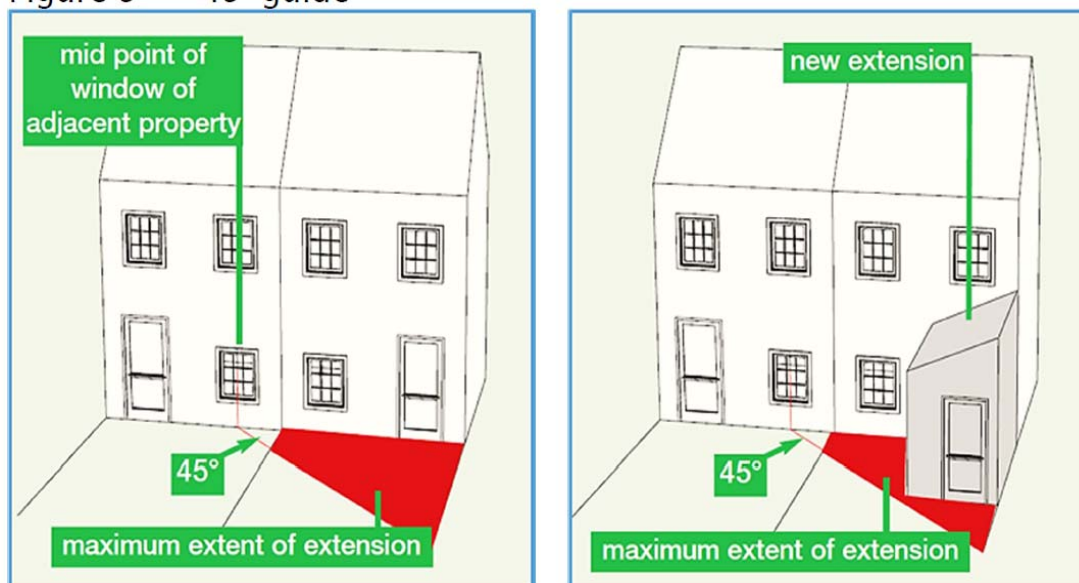
Figure 6 25° guide



The 45 degree guide applies to situations where a rear extension projects beyond a rear wall where there is an immediately adjoining property, the example cited being a semi detached dwelling, as illustrated below. The basis of the 45 degree guide is to project an imaginary line from the centre of the nearest ground floor window of any habitable room in an adjoining property, horizontally at a 45 degree angle. The guidance suggests that no part of the proposed development should cross this line. The guidance is worded to contain an element of flexibility and requires consideration of matters such as the direction of sunlight and shadow fall predicted from the new

development. The illustration below helps to explain the principles of applying the 45 degree guide.

Figure 5 45° guide



In applying the guide, due account has also to be taken of the detailing of the proposed extension and of other site features which may have a bearing on and mitigate impacts. This includes existing and proposed boundary treatments, and in this case the actual design of the proposed extension.

With respect to the rear of No. 49, the proposed extension would not break the 45 degree line projected from the rear bedroom window.

With respect to the rear of no. 47, the proposed extension would slightly encroach beyond the 45 degree line, but it is not concluded that this would be so significant as to justify opposing the application as:

- the proposal is for a single storey extension and the amended roof detail is such that it now has a hipped roof rather than a gable, which has resulted in the extension having a lower profile
- the intention is to replace the existing low level fence along the shared boundary with a 1.8m high fence.
- an extension which could be built under permitted development rights would also slightly encroach the 45 degree line.

Taking the above into account, the level of overshadowing of the rear of neighbouring property which may occur as a result of the proposal is not considered likely to give rise to a level of harm to the amenity of the occupiers which would warrant a refusal of permission.

Privacy and overlooking:

The Residential Development SPG provides guidance on considerations to be given to the impacts of extensions on the privacy of occupiers of neighbouring houses and gardens. Its examples outline matters to consider to ensure there is no unacceptable overlooking from windows and balconies at first floor level in relation to neighbouring dwellings and gardens.

The SPG guidance is of limited assistance in this instance as the proposal is for a single storey extension. Nonetheless, due consideration has to be given to the potential for overlooking from any new windows proposed as part of the scheme.

In this case, one additional window additional is proposed in the side elevation of the extension facing towards the boundary of No.47 (a secondary window to serve the proposed new main bedroom) and there would be two new bedroom windows on the rear elevation facing down the garden towards No. 50. There are no additional windows facing towards No. 49.

Officers would note there are existing windows in both side elevations of No.48, with existing windows facing towards habitable windows in No. 47.

The new small window proposed in the side elevation of No.48 would face towards the garden area of No. 47. Given the extension is single storey, and there is an intention to erect a 1.8m fence around the perimeter of the site, this would provide sufficient protection to prevent any unacceptable overlooking of the neighbouring property from this window. This window is a secondary window serving a bedroom, and therefore should Members feel this window is of particular concern, a condition could be applied requiring the window to be fitted with obscure glazing, which would not be of any detriment to the occupiers given there is another window serving this bedroom.

Officers are therefore satisfied the proposal would not result in any unacceptable overlooking of neighbours or impinge on their privacy.

Impact on outlook from existing windows in side elevation of neighbouring properties:

The concern of the neighbours to the north-east, No. 49, is the impact of the proposal on the existing kitchen / dining room and bathroom windows in the side elevation of that property which face towards the site, in terms of loss of light, loss of outlook and overbearing impact.

The aforementioned 45 degree guide applies to situations where extensions may impact on the rear of adjoining properties, and does not apply to windows in a side elevation.

In Officers' assessment the issue to address is whether the proposed extension would have an unacceptable impact on the amenities of the occupiers of No. 49 when using the kitchen / dining room. In assessing this matter, it is relevant to consider that:

- The kitchen / dining room in the side elevation of the objector's property already faces in part towards the side elevation of No. 48, so there is no unbroken open view out of this window
- What outlook exists from the kitchen / dining room window is limited by the existing 1.5 metre high screen fence within 1 metre of the property boundary. The applicants intend to erect a 1.8 metre high fence along the boundary under permitted development rights.
- The view beyond the boundary fence is across the neighbour's garden, over which unbroken views and natural light cannot be assumed.
- The proposed extension would be 2.2m from the habitable window in the neighbour's side elevation at its closest point.
- The roof design of the extension has been revised to a hipped form to help limit its impact on the aspect from the kitchen / dining room
- The situation applying here is a common one in housing estate situations where secondary side windows of one dwelling face towards the side elevation of a neighbouring dwelling, where the outlook is at best limited.

- The situation which would be brought about by the extension in relation to the side kitchen / dining room window of No.49 parallels the one which would have arisen when the sun room extension at No.49 was built following the grant of planning permission in 2008, as this extension would have had a similar impact on the outlook from the side dining room window of No.48.

Whilst it is acknowledged the extension would have some impact on the outlook from the side kitchen / dining room window in the neighbouring property, having regard to the scale and form of the extension and the actual distance between the properties, Officers would not consider the proposal would have an unacceptably overbearing impact on the neighbouring property or result in an unacceptable loss of light. Accordingly, Officers do not consider the level of harm from loss of outlook would justify a refusal of permission on this basis alone, especially when the fallback position is taken into consideration, as discussed below.

Overbearing impact:

Guidance indicates overbearing impact on a neighbouring property should be prevented, particularly if there are windows in the side elevation of an adjacent house that the extension projects towards. Whilst it is not always possible to achieve in all instances, a 1 metre gap should be retained wherever practical between an extension and the site boundary.

In this case, the proposed extension would be set back 0.9 metres from the side boundary with No. 49 and 2 metres from the side boundary with No.47. The proposal is for a single storey extension and the roof design has been altered to a hipped roof in an effort to lessen the impact on neighbours. Officers do not consider the proposal would give rise to an overbearing or cramping impact on neighbouring properties such that would warrant a refusal of planning permission on these grounds.

Impact on No. 50 Bryn Rhydd

The property to the rear, No. 50 has two windows in the side elevation facing towards No 48, located within 1 metre of the existing 1.5m high boundary fence.

The Residential Development SPG provides guidance in relation to separation distances in back to back situations, which are referred to in public representations on this application. However, the 21m separation distance in the SPG applies in a 'back to back' situation where a two storey extension is proposed, and is intended to avoid overlooking issues from first floor windows, which is not applicable to this case involving a single storey extension.

In this instance, Officers would note the rear elevation of the extension would be some 10m from the rear garden boundary with No.50, and there is an intention to erect a new 1.8m fence along this boundary. Taking into account the setback distance and the proposed boundary treatments, Officers take the view that the proposal would not have an unacceptable impact on the amenity of No. 50 in terms of overlooking, overshadowing or overbearing impact.

Fallback position:

Officers consider the fall-back position is of some relevance in this instance. As noted in paragraph 1.6.3 of the report, if the projection of the extension was reduced by 0.2m/20cm (approximately 8 inches) the proposal would fall within permitted development limits and could therefore be built without the need for planning permission. As 'permitted development' tolerances effectively reflect a scale of

development considered reasonable by Government on dwellinghouses without the need for formal permission, it suggests the impacts of an extension in the order of 0.2m larger than this size limitation would need to be significantly adverse to justify a refusal of permission.

With respect to the impact of the proposal from on the kitchen /dining window in the side elevation of No. 49, the extension which could be built under permitted development would have essentially the same level of impact on the outlook of this window as the extension proposed, which Officers consider to be a material consideration.

Ultimately, in respecting the concerns of neighbours, having regard to the scale, location and design of the proposed extension, it is considered that the proposals would not have an unacceptable impact on the residential amenities of occupiers of neighbouring properties, and would therefore be in general compliance with the tests of the policies and guidance referred to.

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 Officers recognise the basis of the objections raised to the proposals, but respectfully conclude with regard to the detailing of the extension and alterations, that the potential impacts on neighbouring properties would not be unacceptable having regard to the policy and guidance, and that there are no strong grounds to justify refusal of permission.

RECOMMENDATION: GRANT- subject to the following conditions:-

1. The development to which this permission relates shall be begun no later than 12th December 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) Elevations as existing (Drawing No. 2) received 28 September 2018
 - (ii) Floor plan as existing (Drawing No. 1) received 28 September 2018
 - (iii) Elevations as proposed (Drawing No. 4 option b) received 25 October 2018
 - (iv) Floor plan as proposed (Drawing No. 1) received 25 October 2018
 - (v) Block plan received 28 September 2018
 - (vi) Location plan received 28 September 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:

None