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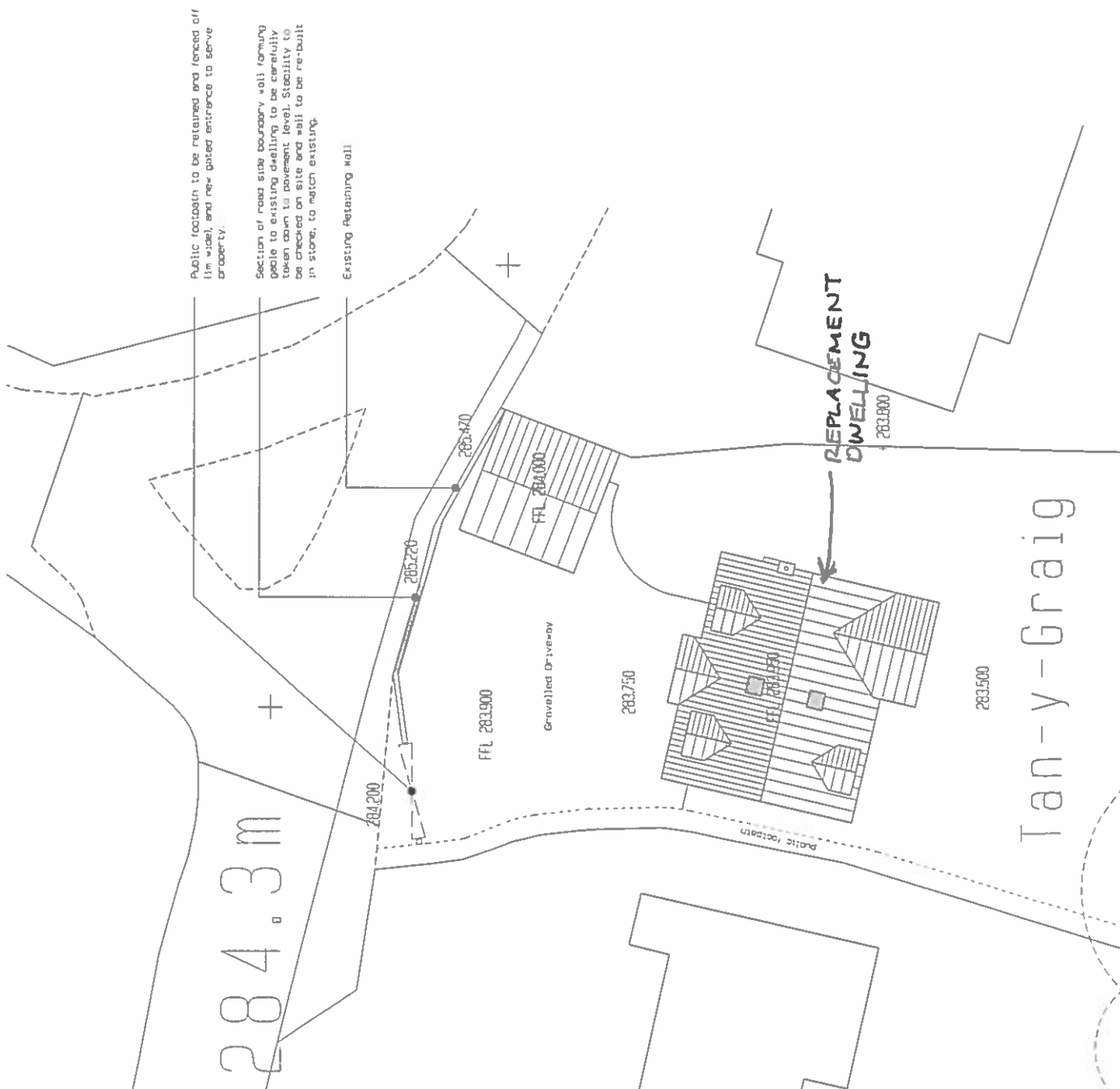
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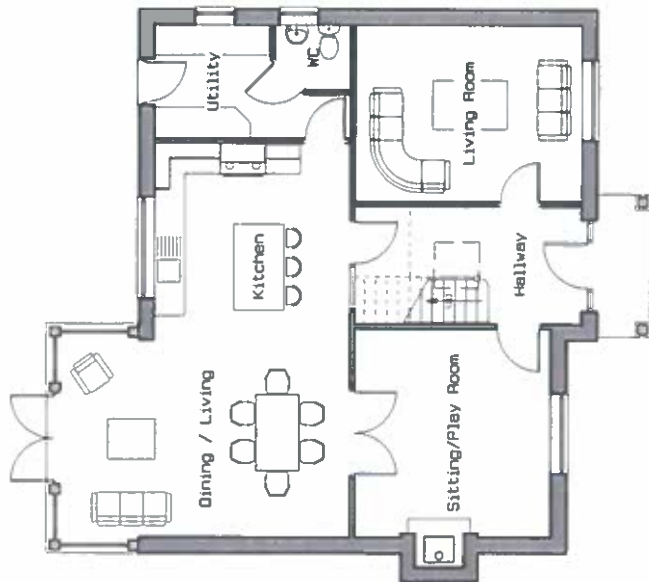
EXISTING DWELLING





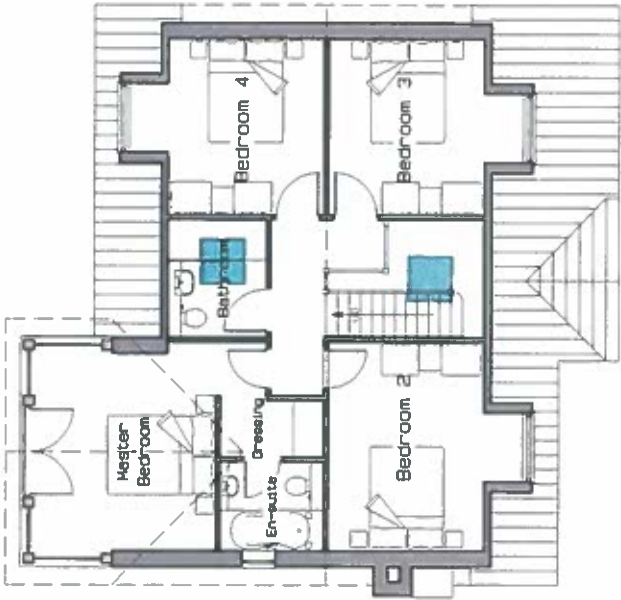
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PLANS OF REPLACEMENT DWELLING



Ground Floor Plan

Dining / Living Room / Kitchen = 36m²
Sitting / Play Room = 15m²
Utility = 7m²
WC = 1.8m²
Living Room = 13.5m²
Hallway = 8m²

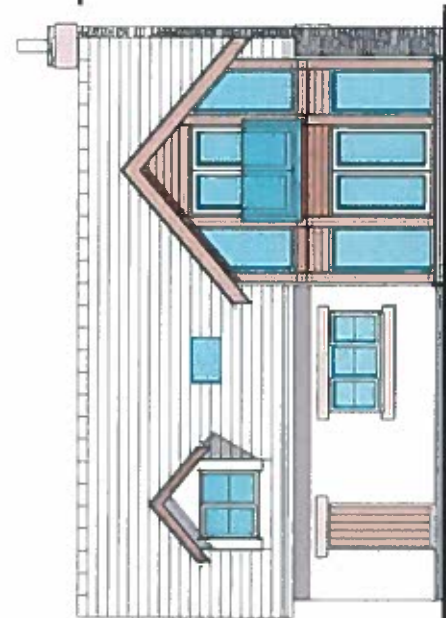


First Floor Plan

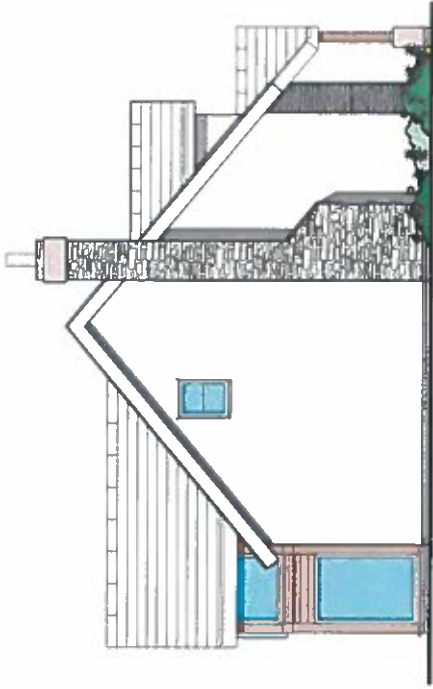
Master Bedroom - 15.5m'
En-Suite - 3.5m'
Dressing - 2m'
Bedroom 2 - 13.8m'
Bedroom 3 - 11.7m'
Bedroom 4 - 11.8m'
Bathroom - 4.5m'



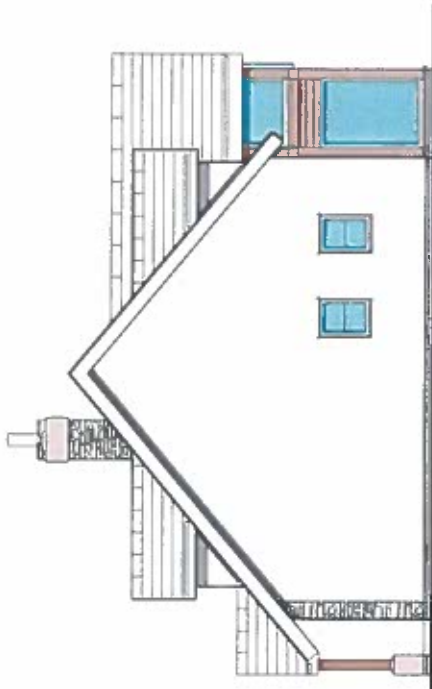
Front Elevation



Rear Elevation



Side Elevation



Side Elevation

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WARD : Llanarmon Yn Ial / Llandegla

WARD MEMBER: Councillor Martyn Holland

APPLICATION NO: 21/2019/0197/ PF

PROPOSAL: Erection of a replacement dwelling, detached garage and associated works

LOCATION: Tan Y Graig Maeshafn Mold CH7 5LR

APPLICANT: Mr & Mrs I & B Smith

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

- Referral by Head of Planning / Development Control Manager

CONSULTATION RESPONSES:

LLANFERRES COMMUNITY COUNCIL –
Awaiting response

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

“Although not listed, Tan y Graig is an example of traditional domestic architecture which makes a positive contribution to the character and appearance of the AONB. Not only is it significant in itself but it also makes a positive contribution to the village street scene. The accompanying structural assessment comments that ‘the integrity of the structure is generally sound’ and, in this context, the Joint Committee has serious concerns about its demolition and replacement. In the committee’s view a more favourable approach would be to renovate and adapt the existing dwelling, remove later add-on extensions and to sensitively extend the building to create a dwelling which meets modern living standards.

A further area of concern to the committee is the loss of two trees which also make a positive contribution to the character of the area as a result of the proposed garage.

No details of external lighting are shown, but the committee would recommend a condition requiring submission of further details to ensure any lighting is the minimum necessary and is designed and managed to conserve the AONB’s dark sky. Further details of the proposed fence separating the public footpath from the plot are also required to ensure that it does not ‘suburbanise’ its rural setting.”

NATURAL RESOURCES WALES –

Object to the proposal on the basis that the loss of the existing dwelling would erode the AONB’s character.

DWR CYMRU / WELSH WATER –
No objections

CLWYD POWYS ARCHAEOLOGICAL TRUST –

No objections provided an adequate record of the building is made prior to its demolition.

DENBIGHSHIRE COUNTY COUNCIL CONSULTTEES –

Highways Officer –

No objections subject to conditions being imposed to ensure the integrity of the adjacent highway structure is not weakened.

Footpaths Officer –

No objections provided there is no obstruction of, or diminution in width of the adjacent public right of way

Ecologist –

No objections subject to a condition being imposed to secure mitigation measures for newts.

RESPONSE TO PUBLICITY:

In objection

Representations received from:

Lee & Lorraine Matthews, Bushley, Village Road

Tony King, Bryn Sirion, Pont-y-mwynwr Lane, Maeshafn

Summary of planning based representations in objection:

Visual amenity

- The proposal would have a detrimental impact on visual amenity and the AONB by virtue of its design and the loss of the original dwelling

Highways

- The proposal would have an impact on public right of way and potentially lead to its obstruction.

Ecology

- Impact on ecology

In support

Representations received from:

Gareth Davies, Glasbury, Ffrodd Maeshafn

Summary of planning based representations in support:

- Would result in a better quality, more efficient dwelling.

EXPIRY DATE OF APPLICATION: 27/05/2019

EXTENSION OF TIME AGREED? 19/7/19

REASONS FOR DELAY IN DECISION (where applicable):

- timing of receipt of representations
- additional information submitted requiring re-consultation

PLANNING ASSESSMENT:

1. THE PROPOSAL:

1.1 Summary of proposals

- 1.1.1 Full planning permission is sought for the erection of a replacement dwelling at Tan Y Graig, Maeshafn.
- 1.1.2 The existing dwelling is an 'L' shaped single storey building with a floor area of some 90 square metres, rendered walls and a slate roof. It is located with its north facing gable end close to the road running through the village.
- 1.1.3 The proposed dwelling would have a footprint of 11 metres by 9 metres, and would be two storey with a ridge height of 7.5 metres. The total floorspace would be approximately 150 square metres. It is proposed to incorporate dormers to the front and rear elevations, and solar panels to the front elevation. The front elevation would feature an open oak porch with pitched roof.
- 1.1.4 The external walls would be finished with rough cast render and natural stone. The roof would be covered with slate. Windows would be upvc double glazing.
- 1.1.5 The proposed dwelling would be located approximately immediately to the south of the existing dwelling (which is to be demolished). It would be set back from the highway by 14 metres.
- 1.1.6 A single garage is proposed to the front of the site, adjacent to the highway. It would measure 5m by 6m with a ridge height of 4.5. Materials would be to match the existing.
- 1.1.7 The application is accompanied by a report into the structural integrity of the building

1.2 Description of site and surroundings

- 1.2.1 Tan y Graig is located to the west of the centre of Maeshafn, and sits within a row of existing dwellings fronting the highway. The dwelling is set at a lower level than the highway, and acts as a retaining wall for the highway along the site frontage.
- 1.2.2 The dwelling is a traditional small cottage in a prominent position at the junction of the road which runs east – west through Maeshafn, and the road leading north to Cadole. It has a lean to glazed conservatory on its east side.
- 1.2.3 To the rear of the site the land is heavily wooded, whilst a public right of way runs along the western boundary of the site. Residential properties are located to the east and west of the site.
- 1.2.4 The area is characterised by a mix of dwelling types and designs from a range of time periods. Materials in the area are predominantly render, stone and slate.

1.3 Relevant planning constraints/considerations

- 1.3.1 The site is located outside of any defined development boundary and is within the Clwydian Range and Dee Valley Area of Outstanding Natural Beauty.

1.4 Relevant planning history

- 1.4.1 None.

1.5 Developments/changes since the original submission

- 1.5.1 Additional information relating to the structural/physical condition of the building has been submitted. This relates to the condition of the gable wall that is retaining the highway. It advises the wall is suffering from significant damp ingress, and that whilst the wall could be tanked internally this is considered to be a temporary fix only. It is argued that the whole gable should be demolished to allow it to be rebuilt away from the highway and prevent the continuing damp ingress.

1.6 Other relevant background information

1.6.1 None

2. DETAILS OF PLANNING HISTORY:

2.1 None

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 RD4 – Replacement of existing dwellings

Policy VOE2 – Area of Outstanding Natural Beauty and Area of Outstanding Beauty

Policy VOE5 – Conservation of natural resources

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: Conservation and Enhancement of Biodiversity

Supplementary Planning Guidance Note: Parking Requirements In New Developments

Supplementary Planning Guidance Note: Residential Development

Supplementary Planning Guidance Note: Residential Space Standards

Supplementary Planning Guidance Note: Re-use and adaptation of rural buildings

Supplementary Planning Guidance Note: Trees & Landscaping

3.2 Government Policy / Guidance

Planning Policy Wales (Edition 10) December 2018

Development Control Manual November 2016

Technical Advice Notes

TAN 5 Nature Conservation and Planning (2009)

Circulars

3.3 Other material considerations

4. MAIN PLANNING CONSIDERATIONS:

In terms of general guidance on matters relevant to the consideration of a planning application, Section 9.1.2 of the Development Management Manual (DMM) confirms the requirement that planning applications 'must be determined in accordance with the approved or adopted development plan for the area, unless material considerations indicate otherwise'. It advises that material considerations must be relevant to the regulation of the development and use of land in the public interest, and fairly and reasonably relate to the development concerned.

The DMM further 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 DMM has to be considered in conjunction with Planning Policy Wales, Edition 10 (December 2018) and other relevant legislation.

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/Impact upon AONB
- 4.1.3 Residential amenity
- 4.1.4 Highways (including access and parking)
- 4.1.5 Archaeology
- 4.1.6 Ecology

4.2 In relation to the main planning considerations:

4.2.1 Principle

LDP Policy RD4 allows for the replacement of an existing dwelling outside of settlement boundaries where it can be demonstrated that:

- i) The building has legal use rights as a dwelling; and
- ii) The dwelling is not of local historical importance or makes a valuable contribution to the character of an area; and
- iii) The dwelling is structurally unsound, of poor design and inefficient in terms of energy and water.

Each of the policy tests are addressed separately below:

RD4i) – legal use as a dwelling:

The existing dwelling is clearly habitable and has clearly been occupied until very recent times. There is no dispute that the proposal would comply with criterion i).

RD4ii) – local historic importance of existing dwelling or contribution to the character of the area:

The building is not listed, although it is noted that the original parts of the building may date back to the late 18th / early 19th century. CPAT has responded that the building retains elements of its original layout with internal and external features that are of local and regional architectural significance. However, notwithstanding the features of interest, CPAT does not raise an objection to the proposal and considers that a programme of historic building recording is undertaken prior to the buildings demolition is sufficient to ensure that the features of archaeological interest are recorded.

The building sits at the junction of the minor road that links Maeshafn to Cadole and occupies a prominent position within the street scene. Owing to the site's location within the AONB, both the AONB and NRW have commented on the application, primarily focussing on the loss of the building and the impact this would have on the character of the area. NRW have commented that the character of Maeshafn is noted for 'rural worker cottages and houses, unified in the use of slate roofing, whitewashed stone walls and low roofs'. NRW also comments that the character of the area has been diminished to a degree by late 20th century residential infill of roadside plots.

Both the AONB Committee and NRW conclude that the traditional domestic architecture of the existing dwelling makes a positive contribution to the character and appearance of the area. Both therefore object to the proposal on the grounds that the demolition of the building would further diminish the attractive character of the area.

RD4iii) – condition of existing dwelling

The application is supported by a Structural Inspection Report of the existing building.

The structural report considers that the overall condition of the building's fabric is poor. It highlights that the option of refurbishment would not be advisable for the following reasons:

- a) The need to strip back the internal fabric to bare masonry, due to the damp condition of the internal plasterwork and the need to fully insulate the external walls.
- b) Complete re-wiring and overhaul of electrical installation.

- c) The condition and structural integrity of the lean-to porch structure which provided access to all other parts of the dwelling.
- d) The need for an overhaul of the heating system and installation of central heating.
- e) The stripping out and installation of roof insulation & resultant loss of head space within the dwelling.
- f) Complete re-design of the internal layout and construction of extensions to the existing property, to provide adequate rooms and spaces fit for modern living.
- g) Overhaul and repairs to rainwater goods system, windows, doors and external render.

The report does acknowledge that the integrity of the structure is generally sound.

A further report on the required works has been submitted. The opinion of the applicant is that the end gable which currently supports the adjacent highway should be demolished and rebuilt away from the highway owing to severe water ingress into the masonry. However, the report does not rule out the possibility of internally tanking the gable elevation to control the problem of water ingress.

Respectfully, the structural information does not establish that the dwelling is structurally unsound. It does not appear to be beyond repair or incapable of being adapted / extended as part of a development scheme, albeit extensive work is necessary to bring it up to modern building standards.

By virtue of its age and brick construction, the existing building is likely to be energy inefficient. Again this could be improved at expense. Officers would note however, much of the works required are refurbishment works rather than essential remedial works (replacement windows, new kitchens and bathroom, new heating and re-wire, re-plastering, internal decoration, laying paving and patio in the garden area etc.), and the structural repairs required are not essential works requiring immediate action, but rather 'long term solutions' (e.g. re-slate the roof, damp course and flue liners to chimney stack, some repointing of external walls, etc.).

Conclusion on principle of development

Policy RD4 supports the replacement of an existing dwelling outside settlement boundaries only where proposals comply with all three policy criteria.

The Policy RD4 Justification states the Council is committed to retaining buildings of character or merit in the countryside.

Having regard to the views of Natural Resources Wales and the AONB Committee, Officers would consider the existing dwelling makes a valuable contribution to the character of the local area, and the proposal therefore fails to comply with RD4 ii). The dwelling is located in a statutorily designated Area of Outstanding Natural Beauty. In addition, the proposal also does not fully comply with RD4 iii) as it is not demonstrated that the dwelling is 'structurally unsound'. Failure to comply with two of the basic tests of RD4 suggests the proposed replacement dwelling proposal is therefore not acceptable in principle.

4.2.2 Visual amenity/Impact on AONB

The Development Management Manual advises at paragraph 9.4.3 that material considerations must be fairly and reasonably related to the development concerned, and 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; and the effects of a development on, for example, health, public safety and crime. The visual amenity and landscape impacts of development should therefore be regarded as a potential material consideration.

Policy VOE 2 requires assessment of the impact of development within or affecting the AONB and AOB, and indicates that this should be resisted where it would cause

unacceptable harm to the character and appearance of the landscape and the reasons for designation.

This reflects guidance in Planning Policy Wales 10 (PPW 10) which requires planning authorities to give great weight to conserving and enhancing the natural beauty of AONBs, and should have regard to the wildlife, cultural heritage and social and economic well-being of the areas. The special qualities of designated areas should be given weight in the development management process. Proposals in AONBs must be carefully assessed to ensure that their effects on those features which the designation is intended to protect are acceptable. The contribution that development makes to the sustainable management of the designated area must be considered.

The proposed dwelling would have a footprint of 11metres by 9 metres. It would be two storey with a ridge height of 7.5 metres. It is proposed to incorporate dormers to the front and rear elevations, and solar panels to the front elevation. The front elevation would feature an open oak porch with pitched roof.

The external walls would be finished with rough cast render and natural stone. The roof would be covered with slate. Windows would be upvc double glazing.

In relation to the proposed design of the replacement dwelling, no objections have been received.

In officers opinion, and notwithstanding the concerns regarding the impact on the character of the area that could result from the loss of the existing dwelling, the proposed replacement is not likely to appear out of character with other development within the vicinity. It would be set back from the road and would not appear as overly prominent or out of scale. The proposal is considered acceptable in terms of the design of the replacement dwelling and its impact upon the character of the surrounding area and Area of Outstanding Natural Beauty.

4.2.3 Residential amenity

The Development Management Manual advises at paragraph 9.4.3 that material considerations must be fairly and reasonably related to the development concerned, and 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; and the effects of a development on, for example, health, public safety and crime. The residential amenity impacts of development should therefore be regarded as a potential material consideration.

The proposed dwelling would be set in relation to the building line of dwellings either side of the site. There would be no direct overlooking of neighbouring properties, or of the site from existing dwellings. In terms of space standards as set out in adopted SPG, the proposal would provide an adequate amount of amenity space for future occupants.

In terms of residential amenity it is considered the proposal is acceptable.

4.2.4 Highways (including access and parking)

The Development Management Manual advises at paragraph 9.4.3 that material considerations must be fairly and reasonably related to the development concerned, and 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; and the effects of a development on, for example, health, public safety and crime. The highway impacts of development should therefore be regarded as a potential material consideration.

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 (PPW) and TAN 18 – Transport, in support of sustainable development.

The Parking Standards in New Developments SPG sets out the maximum parking standards for new developments.

The Highway Officer, and Public Footpaths officer have been consulted on the application and no objections are raised. The Highway Officer has requested that details of the proposed new highway retaining wall be conditioned.

The proposal would utilise the existing access to the site, which is considered to be adequate. The demolition of the dwelling would require a new retaining wall to be constructed to support the highway. This is considered acceptable in principle subject to the detailing being approved. A suitable worded planning condition is proposed to deal with this.

A public right of way runs along the side boundary of the site. The plans show that the proposed dwelling would not directly obstruct this, and the public right of way would remain open and unhindered. The Public Rights of Way Officer does not object to the proposal.

The proposal is considered acceptable in relation to its impact upon the safe and free flow of traffic on the public highway, and would not result in an obstruction to the public right of way which runs through the site.

4.2.5 Ecology

Policy VOE 5 requires due assessment of potential impacts on protected species or designated sites of nature conservation, including mitigation proposals, and suggests that permission should not be granted where proposals are likely to cause significant harm to such interests. This reflects policy and guidance in Planning Policy Wales (Section 5.2), current legislation and SPG 18 – Nature Conservation and Species Protection, which stress the importance of the planning system in meeting biodiversity objectives through promoting approaches to development which create new opportunities to enhance biodiversity, prevent biodiversity losses, or compensate for losses where damage is unavoidable.

The site has been surveyed for the presence of bats in the existing building. No evidence of bats was found. NRW and The Council's Ecologist have not raised an objection to the proposal.

However, whilst the submitted report finds no evidence of bats, it is noted that there are several records of great crested newt within close proximity to the site and no information on the impact of development on this species was included within the ecological report. The proposal has the potential to cause death, injury or disturbance to great crested newts, and/or loss or damage to their resting places. It is therefore recommended that if planning permission is granted that a condition be imposed requiring the submission of details of suitable avoidance, mitigation and compensation measures are required to ensure that the development will not have a negative impact on the species.

It is considered that the proposal meets the requirements of VOE 1 and TAN 5 subject to a condition relating to newt mitigation measures being imposed, as detailed 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 taken into account the requirements of Section 3 'Well-being duties on public bodies' and Section 5 'The Sustainable Development Principles' of the Well-being of Future Generations (Wales) Act 2015. The recommendation is made in accordance with the Act's sustainable development principle through its contribution towards Welsh Governments well-being objective of supporting safe, cohesive and resilient communities. 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 Local Development Plan Policy RD4 sets out the policy context for replacement dwellings.

The policy supports the replacement of an existing dwelling outside settlement boundaries only where proposals can comply with three tests.

5.2 Tan Y Graig is a late eighteenth century/early nineteenth century cottage.

5.3 The Justification to Policy RD4 states the Council is committed to retaining buildings of character or merit in the countryside and Officers would stress that the relevant policy test contained in Policy RD 4 is that the building makes 'a valuable contribution to the character of the area'.

5.4 Having regard to the views of the AONB Committee and NRW, Officers consider the existing dwelling makes a valuable contribution to the character of the local area and the AONB, and that the proposal fails to comply with policy RD4 ii).

5.5 The proposal also does not fully comply with RD4 iii) as it is not demonstrated that the existing dwelling is 'structurally unsound'.

5.6 On the basis of the information in front of the Council, Officers conclusion is that there are fundamental conflicts with key tests of the replacement dwellings policy, which seeks to retain structurally sound buildings which make a valuable contribution to the character of the area. The recommendation is therefore to refuse permission.

RECOMMENDATION: - REFUSE for the following reasons:-

1. It is the opinion of the Local Planning Authority that the proposals are in conflict with the Council's policy in relation to replacement dwellings, in that the existing dwelling makes a valuable contribution to the character of the local area, it is not structurally unsound, and the loss of the existing building would further erode the character of the AONB in this location. The proposals are therefore considered to be in conflict with key tests of Local Development Plan policy RD4 ii) and iii), which reflects the Council's commitment to retaining buildings of character or merit in the countryside, and Policy VOE 2 which seeks to safeguard the character of the AONB, and guidance as contained in Planning Policy Wales.