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43/2019/0555

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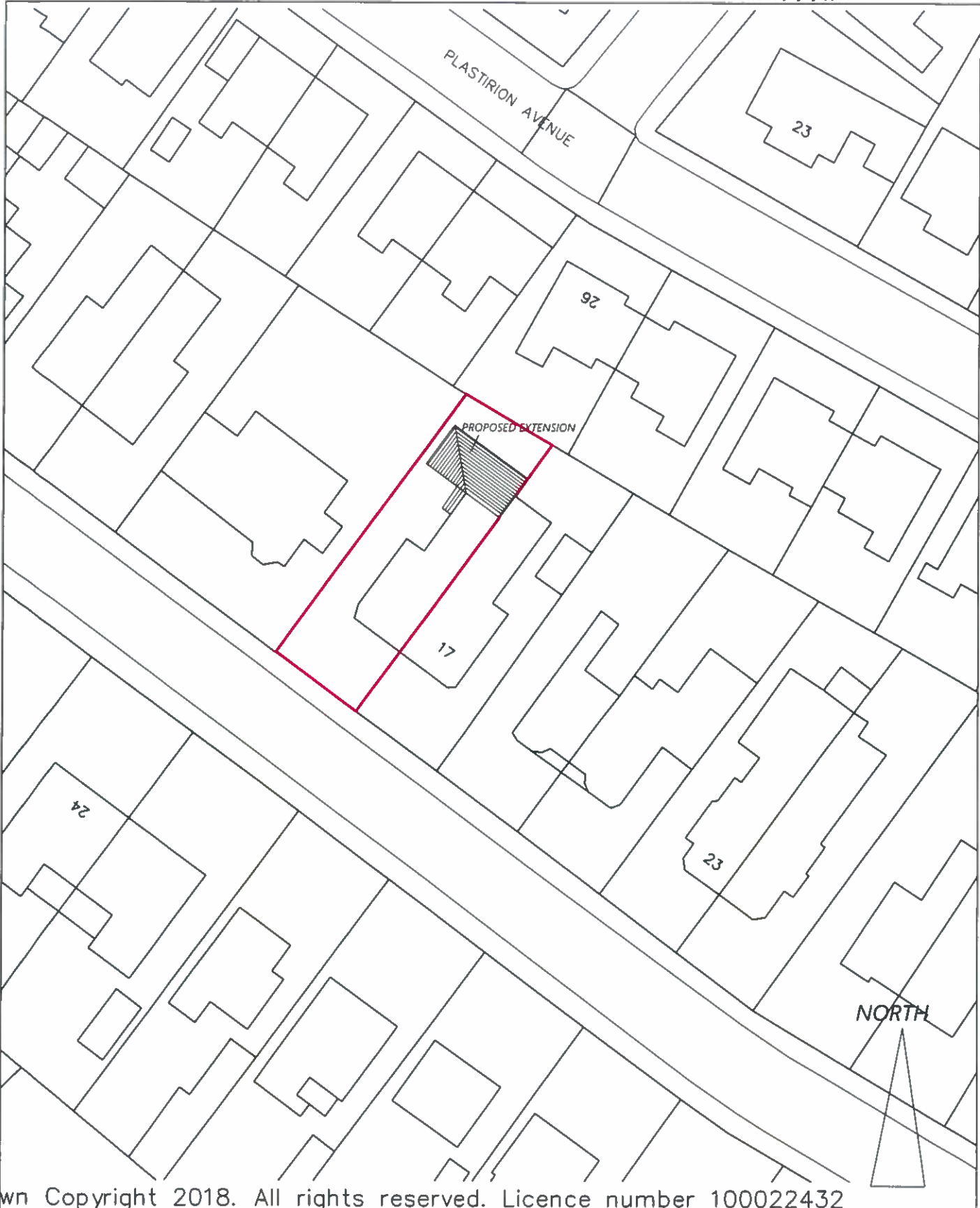
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BLOCK PLAN

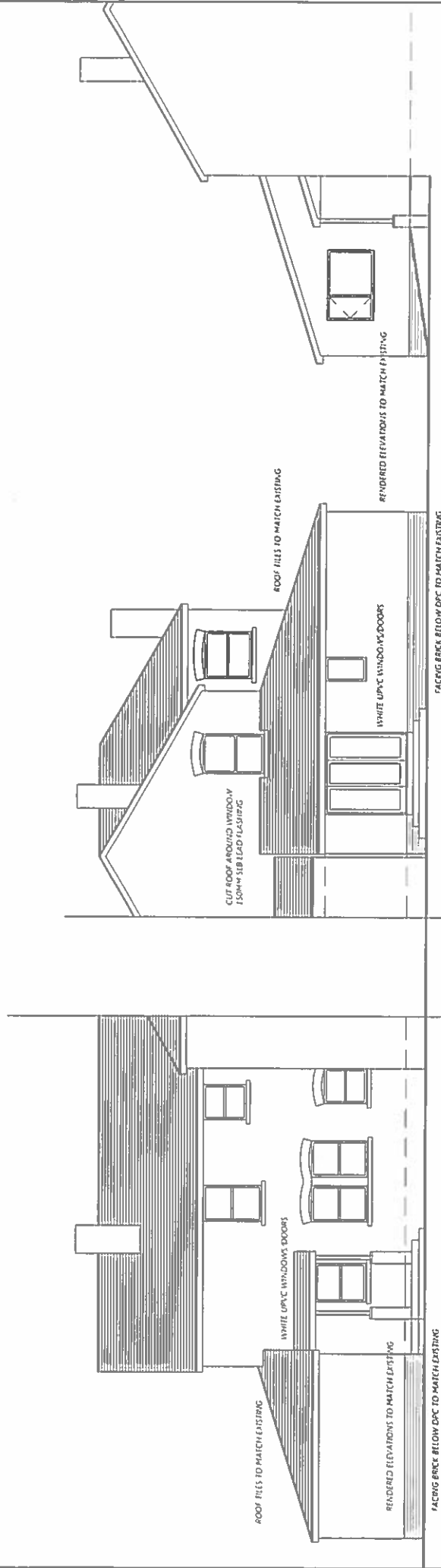


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<b>Parry Davies Architects.</b>		<b>Chartered Architects.</b>			
PROJECT TITLE	15 PENDRE AVE PRESTATYN	DATE	SCALE	DRWN	CHK
		JAN 2019	1:500@A4	RSG	
DRWG TITLE	BLOCK PLAN	DRWG. NOS			REV
		18.5899/B1			B
Studio 55:20 North Wales Buisness Park Abergele LL18 7LJ			Tel:01745 585517 E-mail: PDPArchitects@aol.com		





SIDE ELEVATION

REAR ELEVATION

PART RETURN ELEVATION

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<b>Parry Davies Architects.</b> PROJECT TITLE <b>15 PENDRE AVE PRESTATYN</b>		<b>Chartered Architects.</b> DATE 11/03/21		DRAWN BY RJS	CHECKED BY RJS
DRAWG TITLE <b>PROPOSED ELEVATIONS</b>		DRAWG NOS <b>18.5899/4</b>		REF <b>E</b>	
Studio 55.20 North Wales Business Park Abergele LL18 7LJ Tel: 01745 355317 E: info@pdarchitects.co.uk					

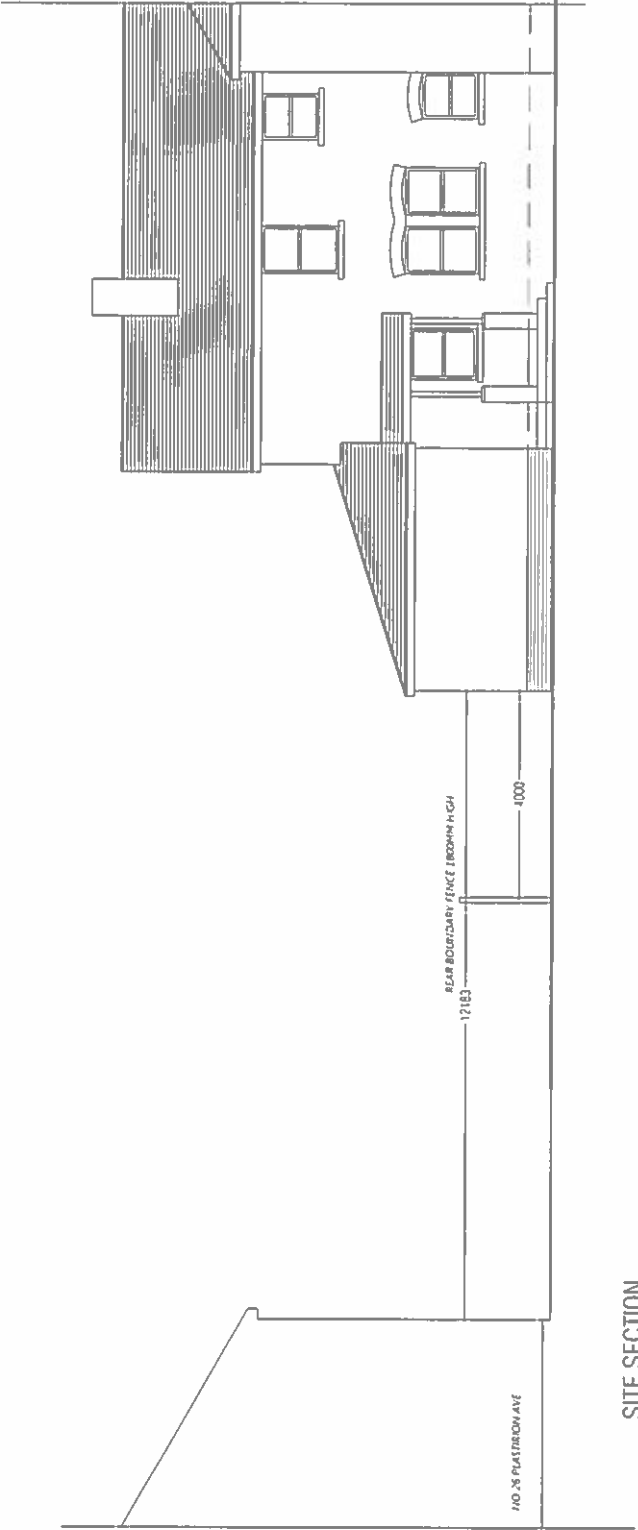








SITE SECTION PLAN



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<b>Parry Davies Architects.</b>		<b>Chartered Architects.</b>	
PROJECT TITLE	15 PENDRE AVE PRESTATYN	DATE	18/09/17
DRWG TITLE	PROPOSED SITE SECTION	SCALE	1:1000 A3
	Studio 55:20 North Wales Business Park, Abergele LL18 7LJ	DATE	18.09.17
		DRWG NO.	18.5899/7
		REV	EP
		REC'D 15.08.17 E mail pparry@pdarchts.co.uk	



**WARD :** Prestatyn East

**WARD MEMBERS:** Cllr Anton Sampson  
Cllr Julian Thompson Hill (c )

**APPLICATION NO:** 43/2019/0555/ PC

**PROPOSAL:** Erection of single storey rear extension (retrospective application)

**LOCATION:** 15 Pendre Avenue Prestatyn

**APPLICANT:** Ms J Williams

**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 – Town / Community Council objection

**CONSULTATION RESPONSES:**

PRESTATYN TOWN COUNCIL

*"Objection; Objections raised on DCC portal. Town Councillors expressed the opinion that the retrospective application should be re-assessed as if a new application. All building should cease until decision made".*

**RESPONSE TO PUBLICITY:**

In objection

Representations received from:

E Jones, 26 Plastirion Avenue, Prestatyn

Caroline Gibb & Steve Connor, 15 Pendre Avenue, Prestatyn

Mr K Hughes, 24 Plastirion Avenue, Prestatyn

Summary of planning based representations in objection:

Visual Amenity/ Character of the area

-Inappropriate design and materials.

Residential amenity

-Overlooking/ Loss of privacy. Owing to proximity of development to neighbours it is imposing, overbearing and intrusive.

Overdevelopment

-The extension is an overdevelopment of an already large property on a relatively small site, and if granted would set a precedent for further large development of properties in the area.

**EXPIRY DATE OF APPLICATION: Extension of time to 09/10/2019**

**REASONS FOR DELAY IN DECISION (where applicable):**

- awaiting consideration by Committee

## **PLANNING ASSESSMENT:**

### **1. THE PROPOSAL:**

#### 1.1 Summary of proposals

- 1.1.1 Consideration of this application was deferred at the September Committee to facilitate a Site Visit, requested by Councillor Julian Thompson Hill. The notes of the visit will be reported on the Late Information Sheets circulated to Members prior to consideration of the item.
- 1.1.2 The application is seeking retrospective planning permission for the erection of a single storey rear extension on a semi-detached house. The extension was almost complete at the time of the case officer's site visit.
- 1.1.3 The extension has been erected across the rear of the dwelling. Measured from the submitted plans it projects 4.2 metres from the existing rear wall and has a width of 8.4 metres. It has a pitched hip roof with a maximum height of 4.1 metres.
- 1.1.4 The extension has French doors and a window on the rear elevation, and a doorway and window on the front return (the elevation facing into the side garden area).
- 1.1.5 Internally the extension is shown as comprising a sitting room (opening out from the existing dining room), a bedroom, wc/shower room and entrance hallway, which it is understood would form a small ground floor annex within the dwelling. The extension is proposed to be finished externally in materials to match the original dwelling, i.e. rendered walls and a tiled roof.
- 1.1.6 The details can best be appreciated from the plans at the front of the report.

#### 1.2 Description of site and surroundings

- 1.2.1 No. 15 Pendre Avenue is a large semi-detached property located in a residential area of Prestatyn situated to the south east of the town centre.
- 1.2.2 To the front there is a small garden and parking area, with circulation space to the west side leading to a rear courtyard and garden which would have had a depth of approximately 8 metres prior to the erection of the extension (which tapered down to approximately 7.5 metres owing to a slight angle on the rear boundary).
- 1.2.3 The rear and side gardens are bounded by a part brick, stone and panel fencing of varying heights between 1.5 metres and approximately 1.8 metres.

#### 1.3 Relevant planning constraints/considerations

- 1.3.1 The site is with the development boundary of Prestatyn as defined in the Local Development Plan.

#### 1.4 Relevant planning history

- 1.4.1 Permission for a rear extension was refused in December 2018 on the basis of its impact on adjoining property and the limited private amenity space it would leave for occupiers.
- 1.4.2 A subsequent enquiry was made as to the allowances for a permitted development extension for a proposal that would project 4 metres to the rear with an overall height of less than 4 metres. The Applicants proceeded with the development on the understanding that it would not require planning permission, however it appears the builders have constructed a slightly larger building which exceeds the permitted development tolerances.
- 1.4.3 Following complaints and an enforcement investigation it transpired that the extension being built was over the permitted development allowance, and this has resulted in the submission of this retrospective application.

1.5 Developments/changes since the original submission

1.5.1 None.

1.6 Other relevant background information

1.6.1 The annex is proposed to be created within the extension and existing rear rooms, and is proposed to be used for the applicant's elderly parent. The applicant has confirmed there are no objections to a condition being imposed limiting the use of the annex in conjunction with the existing dwelling

**2. DETAILS OF PLANNING HISTORY:**

2.1 43/2018/0964/ PF Erection of single storey rear extension. Refused 07/12/2018 for the following reasons:

1. *It is the opinion of the Local Planning Authority that the proposed rear single storey extension would have an unacceptable impact upon the residential amenity of the occupiers of the neighbouring property, No. 26 Plastirion Avenue, as a consequence of the close proximity of the extension to the rear boundary fence and the difference in levels between the two properties, which would result in an overbearing impact. The proposal is therefore considered to be in conflict with tests i) and vi) of Policy RD 1 of the Denbighshire Local Development Plan.*
2. *It is the opinion of the Local Planning Authority that the proposed rear single storey extension would result in an unacceptable reduction in the extent of the usable private amenity space within the curtilage of the plot, leaving very limited outside space for use by occupiers of 15 Pendre Avenue. The proposal is therefore considered to be in conflict with test iii) of Policy RD 3 and test vi) of Policy RD1 of the Denbighshire Local Development Plan and guidance in paragraph 6.18 of the Residential Development Supplementary Planning Guidance Note.*

**3. RELEVANT POLICIES AND GUIDANCE:**

The main planning policies and guidance are considered to be:

3.1 Denbighshire Local Development Plan (adopted 4<sup>th</sup> June 2013)

**Policy RD1** – Sustainable development and good standard design

**Policy RD3** – Extensions and alterations to existing dwellings

3.2 Supplementary Planning Guidance

Supplementary Planning Guidance Note: [Residential Development](#)

Supplementary Planning Guidance Note: Residential Space Standards

Government Policy / Guidance

Planning Policy Wales Edition 10 December 2018

Development Control Manual (2016)

**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
- 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 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.

Representations on the visual amenity impacts have been made by neighbouring occupiers, referring to inappropriate design and materials.

The proposal is to retain a single storey extension constructed at the rear / side of the dwelling, a large semi-detached unit on a street where there are a mix of large detached and semi-detached dwellings, with no single distinct character of dwelling type. The extension is set back well behind the road elevation so it is not dominant in the street scene. Whilst the extension takes up a considerable amount of the rear curtilage there is a garden depth of approximately 3 to 4 metres in this area (the rear boundary is not parallel with the extension), and there is a further 35 square metre yard area at the side of the house, as well as open parking areas to the side and front.

With regards to the scale of the development, Officers consider the extension is subordinate in scale and form to the original dwelling. There would be over 65 square metres of amenity space remaining on the site for the dwelling (as well as open areas accommodating parking), therefore it would be difficult to argue that the proposal would represent overdevelopment of the plot.

In noting the objections on visual amenity, Officers 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 to the locality, it would not have an unacceptable impact on visual amenity and would therefore be in general compliance with the tests in the policies referred to.

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

The Residential Space Standards SPG specifies that 40m<sup>2</sup> of private external amenity space should be provided as a minimum standard for residential dwellings. The Residential Development SPG provides detailed guidance on principles to be applied to consideration of applications involving extensions to dwellings.

Representations on the residential amenity impacts have been made by neighbouring occupiers to the rear and side of the dwelling. The concerns focus on the impact of the proposal in terms of overlooking, effect on outlook from neighbouring properties and overbearing impact. In response to the detailed matters arising:-

The proposal relates to a single storey rear / side extension. It is sited 0.9 metre off the boundary to the west and is on the boundary of the dwelling to the east, and a minimum of approximately 3 metres from the rear boundary of the dwelling to the north (No. 26 Plastirion Avenue). There are windows on the front and rear of the extension. The rear window serves a wc and there are double doors on the sitting room. The garden of the dwelling to the rear is set at a lower level than 15 Pendre Avenue, and the wall to wall separation distance between the rear wall of the extension and No 26 Plastirion Avenue is some 9 metres at the closest point (11.5 metres window to window distance). The applicants have indicated willingness to erect a slightly higher boundary fence to deal with any overlooking potential.

#### *External amenity space*

The Residential Space Standards SPG states that a minimum size for garden areas / outdoor amenity space should be provided to serve an individual dwelling and does not set minimum garden depths, etc. In relation to 'overdevelopment' of residential curtilages, Section 6.18 of the Residential Development SPG advises that as a rule of thumb, no more than 75% of the site should be covered, leaving at least 40 square metres of amenity space for a small dwelling, or 70 square metres for a larger dwelling.

In this case, taking the extension into account, there would still be in the order of 65 square metres of private garden space within the plot (rear and side yard), along with an open parking area to the side and front of the side of the house which is well in excess of the guidance for site coverage. Officers would not consider the extension involves overdevelopment of the plot, as there is adequate amenity space remaining.

#### *Projection height and depth*

Section 6.2 of the Residential Development SPG advises that any projection beyond the rear wall of an existing dwelling which is on / close to a party / boundary wall should not be more than 4 metres for a semi-detached / detached dwelling; and proposals which exceed this will generally be considered unacceptable unless it can be demonstrated that adequate amenity standards can be preserved through design detailing.

In this case, whilst the extension as measured from the plans projects 4.2 metres out from the rear wall of No. 15, this needs to be assessed in the context that there is already a 2.3 metre rear extension on the adjoining semi detached dwelling at No.17, meaning the one at No.15 extends approximately 1.9 metres further out than the existing extension to No.17. Given this relationship and the fact there are no windows on the side of the extension facing No.17, Officers do not consider the impact on No.17 is such that the amenities of the occupiers are unacceptably affected. Given the level of separation between No. 13 and No. 15 this test is not considered pertinent to number 17.

#### *Overshadowing and the 25 and 45 degree guides*

With respect to rear extensions, the Residential Development SPG advises that one of the main issues involved is the need to protect the amenities of occupiers of dwellings adjoining a proposed extension, in terms of protecting privacy, maintaining sunlight and daylight and maintaining a reasonable outlook.

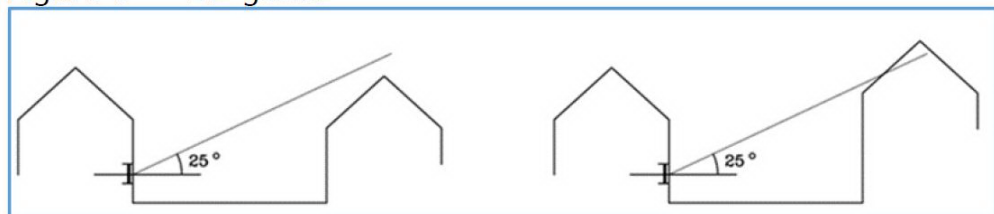
The Supplementary Guidance contains tools to help assess whether a proposal would have adverse impact on adjoining property in terms of overshadowing habitable windows in neighbouring properties, in the form of what are referred to as the '25 and 45 degree guides'.

**The 25 degree guide** applies to the situation where proposed rear extensions directly face the rear of existing properties. The guide projects an imaginary line from the centre of the nearest ground floor window of any habitable room in an adjoining property, vertically at a 25 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.

On the basis of information in the application, it is apparent the extension does not contravene the guidance in relation to the rear ground floor windows of the dwelling at No 26 Plastirion Avenue.

The illustration below helps to explain the principles of applying the 25 degree guide.

Figure 6 25° guide



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, but refers to the need to exercise an

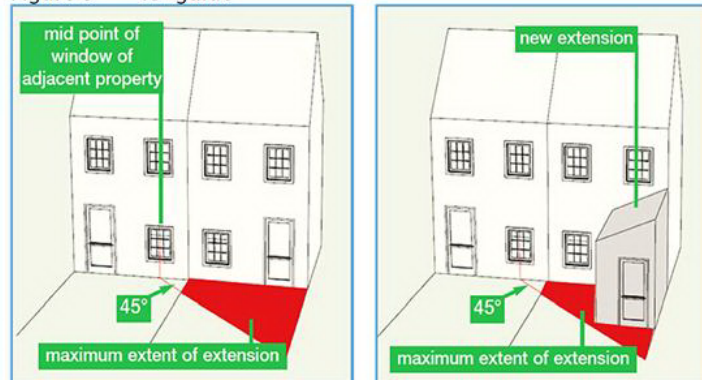


element of flexibility and consideration of matters such as the direction of sunlight and shadow fall predicted from the new development.

On the basis of information in the application, it is apparent the extension does not contravene the guidance in relation to the rear ground floor windows of the dwelling at No 17 Pendre Avenue which is the adjoining property.

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

Figure 5 45° guide



#### *Fallback position*

Officers consider the 'fall-back' position is also of some relevance in this instance. If the rear projection of the extension was reduced by 0.2 metre (approximately 8 inches) and its height by 0.1 metre (4 inches), the proposal would fall within permitted development rights 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 0.2 metre larger than this size limitation would need to be significantly adverse to justify a refusal of permission.

On balance, having regard to the scale, location and design of the proposed development; and taking into account the fallback position it is considered that the proposals would not have a significantly unacceptable impact on residential amenity to warrant refusal of the application under the policies and guidance.

#### Other matters

In respecting the Town Council comments, Members will appreciate that the application has to be dealt with on its own merits regardless of the fact that it is retrospective in nature. Any work undertaken is at the applicants own risk before a decision is made.

#### 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 Officers acknowledge the basis of the objections raised on the application and in particular over the relationship of the extension to the dwelling to the rear.

5.2 However, having regard to the detailing of the proposals, the potential for screening between the extension and the dwelling to the rear to mitigate overlooking, and the 'permitted development' fallback position, the application is considered to be acceptable and is recommended for grant.

**RECOMMENDATION: GRANT-** subject to the following conditions:-

1. 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) Proposed Elevations (Drawing No. 18.5899/4 Rev d) received 24 June 2019
  - (ii) Proposed part ground floor plan (Drawing No. 18.5899/3 Rev C) received 24 June 2019
  - (iii) Block Plan (Drawing No. 18.5899/B1 Rev B) received 24 June 2019
  - (iv) Location Plan (Drawing No. 18.5899/L1 Rev A) received 24 June 2019
2. Notwithstanding the submitted details, the extension hereby permitted shall not be permitted to be brought into use until the written approval of the local planning authority has been obtained to the details of the design, height and materials of the boundary fence between the site and No.26 Plastirion Avenue and the approved scheme has been completed. The boundary detailing shall be retained as approved at all times thereafter.
3. The extension hereby permitted shall only be used as ancillary domestic accommodation in connection with the main dwellinghouse and shall not be used as a separate residential unit at any time.

The reasons for the conditions are:-

1. For the avoidance of doubt and to ensure a satisfactory standard of development.
2. In the interests of protecting residential amenity.
3. The development has been permitted as part of the existing dwelling and use as a separate living unit requires separate considerations in relation to space, residential amenity, and parking implications.