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**43/2021/0063**

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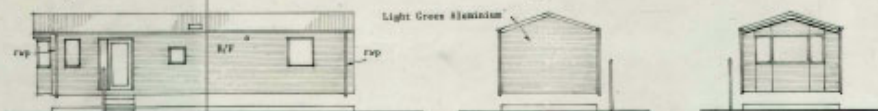






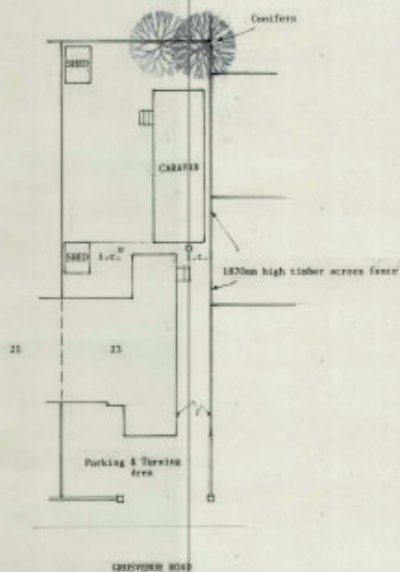
Caravan - Proposed Front Elevation

Proposed End Elevations

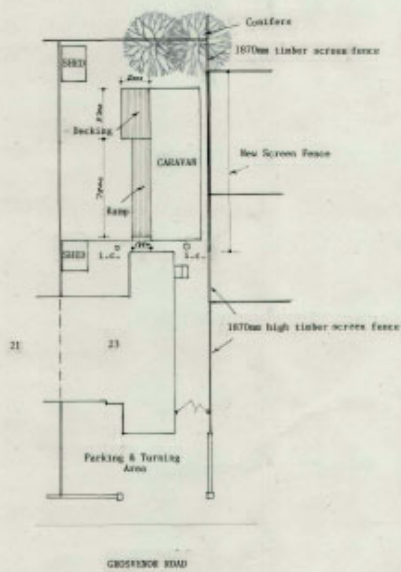


Caravan - Existing Front Elevation

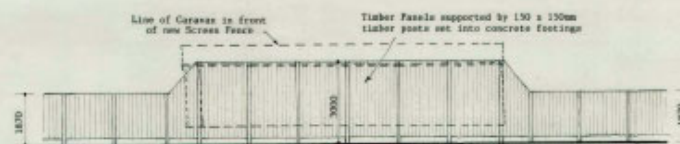
Existing End Elevations



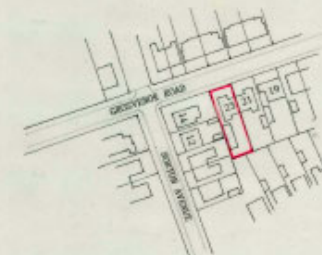
EXISTING SITE PLAN



PROPOSED SITE PLAN



Proposed Elevation of Screen Fence



LOCATION PLAN SCALE - 1:1250





# 23 Grosvenor Road, Prestatyn

Photos taken by Case Officer 13/03/2021 and 27/05/2021 on site,  
road frontage and from no. 10 Norton Avenue

## 1. Site frontage from Grosvenor Road (caravan at rear)



## 2. Caravan and Ramp/Decking in rear curtilage





**3. View of end of Caravan showing slabs with upvc surround in rear curtilage**



**4. Relationship to boundary fence (proposed to be raised) from within the site**







5. View from side gate to show existing height of fence and side of caravan



6. View from within garden of no. 10 Norton Avenue of fence proposed to be raised and caravan





**7. View from within garden of no. 10 Norton Avenue towards no. 12 Norton Avenue showing fence proposed to be raised and caravan**



**8. View from within garden of no. 10 Norton Avenue on boundary showing level of caravan/windows to gardens and caravan**







9. View to no. 10 Norton Avenue from site boundary with no. 23 Grosvenor Road (also showing rear of no. 12 Norton Avenue on RHS)



Google Maps Aerial view of site for reference only (caravan not sited within curtilage at this stage)







Photo locations from Google Map Aerial Photo (caravan not sited within curtilage at this stage)





**WARD :** Prestatyn North

**WARD MEMBER(S):** Cllr Rachel Flynn  
Cllr Tony Flynn  
Cllr Paul Penlington (c)

**APPLICATION NO:** 43/2021/0063/ PF

**PROPOSAL:** Erection of a 3 metre high timber panel and post fence to screen caravan and erection of decking and ramp to serve caravan

**LOCATION:** 23 Grosvenor Road Prestatyn LL19 7NW

**APPLICANT:** Mrs Lisa Wilton

**CONSTRAINTS:** C1 Flood Zone

**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
- Recommendation to grant / approve – Town / Community Council objection
- Member request for referral to Committee

**CONSULTATION RESPONSES:**

**PRESTATYN TOWN COUNCIL**

“Objection. Committee supports resident’s objection to installation of large static caravan and high fencing. The development may set a precedence for others to follow. Development overlooking and adverse visual impact on residential area.”

**RESPONSE TO PUBLICITY:**

In objection

Representations received from:

Mr & Mrs Grant, Hen Dy, Trelogan  
Jacqueline Mellor, 10, Norton Avenue, Prestatyn  
Coral Lloyd-Jones, 8 Heol Aled, Abergele  
Sam Clark, 125, Foryd Road, Kinmel Bay  
Billy Mellor, 15 Bastion Gardens, Prestatyn  
Miles Hayden, Bryn Conwy, Foel Road, Dyserth  
Mr & Mrs Litherland, 16, Bastion Close, Prestatyn  
Rebecca Mcellend, 23 Ffordd Pant Y Colwyn, Prestatyn  
Mrs Jessica Suckley, 81 Meliden Road, Prestatyn  
Alison Faulkner, 40 Mandrin Avenue, Rhyl  
Laura Sutton, 9 Clos Dol-Y-Coed, Prestatyn

Summary of planning based representations in objection:

Overbearing impact of fence  
Loss of light as a result of fence

Residential amenity impacts of caravan, loss of privacy and overlooking  
Noise and disturbance from caravan

Fire hazard from siting caravan so close to boundary and use of gas bottles  
Precedent of siting caravan in rear curtilage  
Caravan should be located on a caravan site

In support

Representations received from:  
L Olson, 14 Grasmere Close, Prestatyn  
Scott Williams, Llys Y Coed, Ffordd Y Graig, Lixwm  
Mark Weaver, 33 Bryn Court

Summary of planning based representations in support:  
Amenity issues would be addressed by the proposed fence

**EXPIRY DATE OF APPLICATION: 21/03/2021**

**EXTENSION OF TIME AGREED: 16/06/2021**

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

- additional information required from applicant

**PLANNING ASSESSMENT:**

**1. THE PROPOSAL:**

1.1 Summary of proposals

- 1.1.1 The application proposes the erection of a 3 metre high timber panel and post fence and the erection of decking and ramp to serve a caravan at 23 Grosvenor Road in Prestatyn. The application is partly retrospective as the ramp has been erected.
- 1.1.2 The timber panel fence would be sited along a section of the western boundary of the site. It would extend from its existing height of 1.87 metres up to 3 metres in height along 13 metres of the boundary. The purpose of the fence is to screen the rear of a caravan within garden of no. 23 from the neighbouring properties to the west.
- 1.1.3 The ramp and decking has been erected along the eastern side of the caravan within the rear curtilage. Measuring 10.9 metres in length by 2 metres in width at its widest point, it facilitates ramped access from the garden level to the caravan. The overall height of the decking is .85 metres above ground level. There is a railing above with a total height measuring 1.9 metres. The railing is finished in brown upvc with a white upvc fascia below.

1.2 Other relevant information/supporting documents in the application

- 1.2.1 As mentioned above the application is proposed to facilitate access to and screen a static caravan that has been sited within the rear of no. 23 Grosvenor Road.
- 1.2.2 The use of the caravan has been explored prior to and during the planning application process by Compliance and Planning Officers. Members will be aware that in most cases the siting of the caravan does not constitute a building operation, and therefore only needs planning permission if it triggers a change of use of land. In this instance the use of this caravan has been explored thoroughly. Officers are content that the caravan within the rear garden of 23 Grosvenor Road is being used for residential purposes ancillary to the dwelling at the same address. Hence its siting has not triggered a change of use requiring planning permission.
- 1.2.3 As the siting of the caravan does not require planning permission it falls outside of the Local Planning Authority's control. Hence this application is for the development as described in the planning application form only i.e. the erection of a fence and the



retention of the decking area.

### 1.3 Description of site and surroundings

1.3.1 No. 23 is a semi-detached bungalow located on the southern side of Grosvenor Road in Prestatyn.

1.3.2 As mentioned above a static caravan has been sited within the rear curtilage of the dwelling. The caravan is a standard size, measuring 11.35 metres x 3.6 metres.

1.3.3 It is understood that there was a single storey detached garage within the rear curtilage prior to the installation of the static caravan on the site.

1.3.4 The rear curtilage of the dwelling is bounded by the rear of the properties fronting Norton Avenue to the west, the rear garden of the attached house at no. 21 Grosvenor the east to the east and Trevor Road to the south.

### 1.4 Relevant planning constraints/considerations

1.4.1 The site is located within the development boundary of Prestatyn.

### 1.5 Relevant planning history

1.5.1 There is no planning history on the site.

### 1.6 Developments/changes since the original submission

1.6.1 As mentioned above the use of the site and caravan has been explored since the initial submission of the application, hence the delay to the determination period.

1.6.2 By way of background, Members are advised that the static caravan provides ancillary accommodation to the dwelling at no. 23 Grosvenor Avenue. The caravan is occupied by members of the Applicants family. The family members have disabilities, which limit their mobility and ability to care for themselves. The caravan enables accessible accommodation and provision of care for the family on site by the Applicant. As stated above the siting of a caravan within the curtilage for this purpose does not require planning permission.

### 1.7 Other relevant background information

1.6.3 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 Local Policy/Guidance

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

#### **Supplementary Planning Guidance**

Supplementary Planning Guidance Note: Access For All

Supplementary Planning Guidance Note: Residential Development

### 3.2 Government Policy / Guidance

Planning Policy Wales (Edition 11) February 2021

Development Control Manual November 2016

Future Wales – The National Plan 2040

### 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 11 (February 2021) 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

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 alterations to existing dwellings is therefore acceptable. It is considered that the principles applied to extensions/alterations to dwellings are equally applicable to development within the curtilage of a dwelling. The assessment of the specific impacts of the development proposed is set out in the following sections.

4.2.2 Visual amenity

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 dwelling. Local Development Plan Policy RD 1 test (i) requires due regard to issues of siting, layout, form, character, design, materials, aspect, microclimate and intensity of use of land / buildings and spaces between buildings, which are matters relevant to the visual impact of development; test (vi) requires that development does not unacceptably affect prominent public views into, out of, or across any settlement or area of open countryside; test (vi) requires the incorporation of existing landscape or other features, takes account of site contours, and changes in levels and prominent skylines; and test (xiii) requires the incorporation of suitable landscaping measures to protect and enhance development in its local context.

The Development Management Manual advises at paragraph 9.4.3 as to what can be considered a material consideration, and states that the effects of a development on

the neighbourhood and environment can be a material consideration. It is therefore considered that the impact of a proposal on the visual amenity of an area is a standard material consideration.

Individual objections have been received to the application based on the visual amenity impacts of the proposed fence, its appropriateness, precedent etc. Other visual amenity considerations raised relate to the siting of the caravan which as stated above is not the subject of this planning application.

The proposal involves two distinctive elements, the extension of the fence from its existing height of 1.87 metres to 3 metres, and the retention of a decking area and ramp to access the caravan.

The latter is relatively well contained within the garden and not particularly visually obtrusive. The decking and ramp serves a purpose of allowing access to the caravan rather than being used as an elevated seating area.

Whilst the fence is not visible from public views or vantage points, and this is not an area designated for its high landscape value, Officers accept that the 3 metre fence is not ideal form of development visually. The main visual impact would be within the site and from the rear windows and gardens of the neighbouring dwellings on Norton Avenue who face the site (no.'s 10 and 12). However the fence serves a purpose which is explored further below (in the residential amenity section), and whilst it would be higher than a standard boundary fence, it would not be dissimilar in height to a garage or outbuilding with solid sides that might be sited within the rear curtilage. Indeed it is understood that there was a single storey garage on the side of the site which has been removed to accommodate the caravan.

Officers consider that quantifying the harm associated with the visual impact of the fence to refuse the application would be difficult. Having regard to the design, siting, scale, massing and materials of the proposed development, in relation to the character and appearance of the dwelling itself, its impact on the locality and wider landscape, it is considered the proposals would not have a significantly unacceptable impact on visual amenity and would therefore be in general compliance with the relevant policies referred to above.

#### 4.2.3 Residential amenity

Local Development Plan Policy RD 1 test (i) requires due regard to issues of siting, layout, form, character, design, materials, aspect, microclimate and intensity of use of land / buildings and spaces between buildings, which touch on the potential for impact on residential amenity; test (vi) sets the requirement to assess the impact of development on the amenities of local residents, other land and property users, or characteristics of the locality, in terms of increased activity, disturbance, noise, dust, fumes, litter, drainage, light pollution, etc.

Planning Policy Wales 3.1.4 confirms that factors to be taken into account in making planning decisions (material considerations) must be planning matters; that is, they must be relevant to the regulation of the development and use of land in the public interest, towards the goal of sustainability. The residential amenity impacts of a development proposal are a material consideration.

The Development Management Manual advises at paragraph 9.4.3 as to what can be considered a material consideration, and states that the effects of a development on the neighbourhood and environment can be a material consideration. It is therefore considered that the impact of a proposal on the visual amenity of an area is a standard material consideration.

Individual objections have been received to the application based on the residential amenity impacts of the proposed development, by virtue of a loss of privacy,

overbearing impact and a loss of light. Other amenity considerations raised by the Town Council and third parties relate to the siting of the caravan which, as stated above, is not the subject of this planning application.

The application proposes the erection of a 3 metre fence along the western side of the site and the installation of a ramp and decking area.

The decking and ramp serves a purpose of allowing access to the caravan rather than being used as an elevated seating area. This development is contained within the rear curtilage of the dwelling. There is unlikely to be significant residential amenity impacts from this part of the proposal.

The 3 metre fence along the western boundary of the site is proposed to screen the static caravan from the rear windows and gardens of the neighbouring dwellings on Norton Avenue who face the site (no.'s 10 and 12). The top of the fence would be in line with the eave level of the caravan. There are windows on the rear of the caravan which owing to the site levels result in overlooking to and from the site. Although these windows have been temporarily obscured they are operable windows (i.e. can be opened as opposed to fixed).

As discussed above the use or siting of the caravan is not for consideration at this stage. However, the 3 metre fence is proposed directly as a result of its siting. Officers have considered the concerns raised by neighbours; in terms of loss of light and overbearing impacts the fence would be 1 metre higher than the permitted development allowance of 2 metres. It would run along the western boundary of the site parallel to the caravan, thus primarily affecting no. 10 and 12 Norton Avenue. No. 10 Norton Avenue has a rear garden depth of 6 metres and no. 12 has a rear garden depth of 10 metres. Both properties enjoy early morning sun from the east, therefore the proposal would have some impact on their sunlight. However given the distance to the rear windows of these dwelling this impact would be more likely in the garden areas than within the actual dwellings. Turning to the overbearing impact Officers acknowledge that the proposal may appear overbearing, particularly when viewed within the gardens of the neighbouring properties. However the advantage in relation to privacy is considered to outweigh the potential for overbearing impact from the gardens. In terms of loss of privacy the fence would address this issue. It would obscure the windows on the rear of the caravan and provide privacy to those staying in the caravan and the neighbours to the rear.

Based on the separation distances involved from the rear windows of the neighbouring dwellings to the fence and the nature of the ramp and decking, it is the opinion of Officers that the proposal would not impact so significantly on the amenity of the adjacent occupiers to warrant refusal. Given that the fence is specifically required to protect amenity owing to the siting of the caravan Officers consider it would be reasonable to attach a condition to require the fence be lowered should the caravan be moved.

#### 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 Whilst respecting the opinions of the Town Council and third parties, Officers have tried to set out the main planning considerations in relation to the actual development subject to this planning application above.

5.2 Officers accept that the erection of a 3 metre boundary fence is not ideal and would not normally be encouraged, however the fence serves a purpose in protecting the amenity of the occupiers of the adjacent properties and those staying in the caravan. On balance, the benefit in terms of privacy outweighs the potential overbearing impact and therefore the recommendation is to approve the proposal.

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

1. The development to which this permission relates shall be begun no later than 16th June 2026.
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) Existing and proposed elevations, site and location plan (Drawing No. 3243/1/JAN/2021) received 25 January 2021
3. Should the static caravan be removed from the site the fence hereby approved shall be lowered or restored to its former height of 1.87 metres along the western boundary of the site.

The reasons for the conditions are:-

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