

**02/2021/0327**

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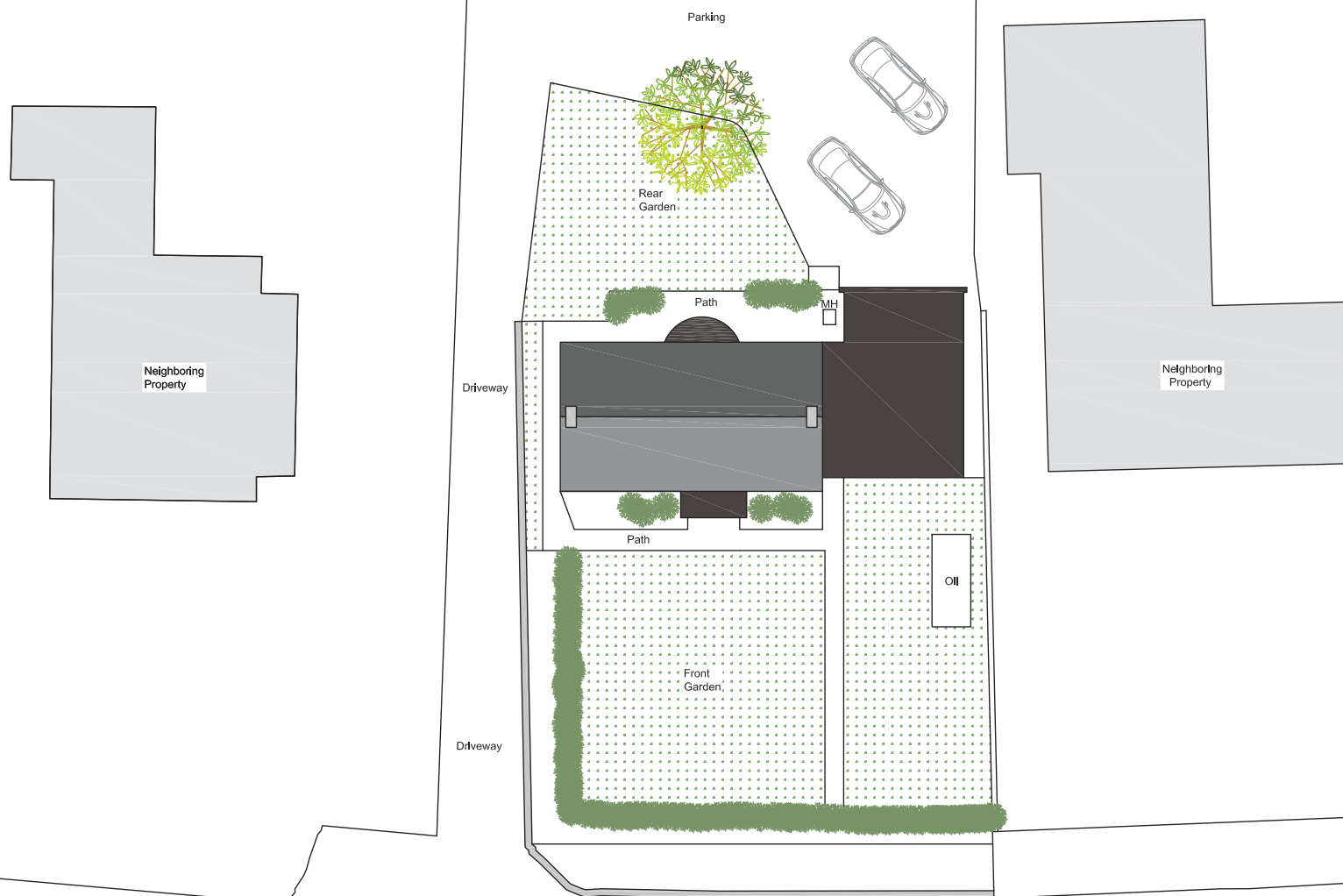
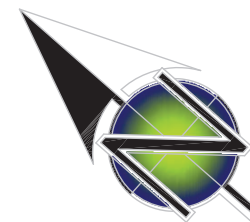
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Existing Site Plan 1:200

Road



**Project** Proposed Extension and Alterations to  
- **Existing Survey Drawings**  
**Address** Pendorlan, Llanfair Road, Ruthin, LL15 1BY  
**Client** Mr A & Mrs C Thomas  
**Scale** Scale 1:200 @A3

**Drawing:-** Ty/963/SU04

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Road		<b>Project</b> Proposed Extension and Alterations to <b>Address</b> Pendorlan, Llanfair Road, Ruthin, LL15 1BY <b>Client</b> Mr A & Mrs C Thomas <b>Scale</b> Scale 1:200 @A3	<b>Drawing:-</b> Ty/963/PL04B ☎ Landline – 01824 702444 📠 Mobile – 07833340997 🌐 www.tyarchitecture.co.uk ✉ info@tyarchitecture.co.uk Ty Architecture Cym 15A Clwyd Street Ruthin Denbighshire LL15 1HF
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## Eitem Agenda 6 / Agenda Item 6







**Eitem Agenda 6**

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**WARD :** Ruthin

**WARD MEMBER(S):** Cllr Bobby Feeley  
Cllr Emrys Wynne (c)  
Cllr Huw Hilditch-Roberts

**APPLICATION NO:** 02/2021/0327/ PF

**PROPOSAL:** Erection of extensions and alterations to dwelling including construction of retaining walls, front block wall and excavation works to form level front parking area including removal of front hedge (partly retrospective)

**LOCATION:** Pendorlan Llanfair Road Ruthin

**APPLICANT:** Mr & Mrs A Thomas

**CONSTRAINTS:** None.

**PUBLICITY UNDERTAKEN:** Site Notice - No  
Press Notice - No  
Neighbour letters - Yes

**REASON(S) APPLICATION REPORTED TO COMMITTEE:**  
**Scheme of Delegation Part 2**

- Member request for referral to Committee

Reason: *'Because of the size, depth of excavations, positioning on site, proximity to the next door bungalow, also the commencement of work prior to any permission in place, the Planning Application should be called in and brought to committee for discussion and decision'.*

**CONSULTATION RESPONSES:**  
RUTHIN TOWN COUNCIL-  
No response received.

**RECONSULTATION RESPONSES:**  
Submission of a tree root inspection report, revised plans and letter from Structural Engineer

DENBIGHSHIRE COUNTY COUNCIL CONSULTEES-

**TREE CONSULTANT-**  
The Norway Spruce has not been detrimentally affected by the excavations on the adjoining land. The tree's size and its position set back from the side boundary limit how much it can be affected by the development on adjoining land. The report is comprehensive enough.

**PRINCIPAL BUILDING CONTROL OFFICER-**  
The report is thorough and detailed. The report concludes that most of the excavation work is ok and safe but there is one section of the wall that will need a retaining structure as they have excavated too close. This structure will need to be designed by a suitably qualified engineer and constructed to ensure the stability of the boundary wall.

**RESPONSE TO PUBLICITY:**  
In objection  
Representations received from:  
Alun Jones, Bryn Celyn, Ffordd Llanfair, Ruthin

Summary of planning based representations in objection:

*Residential amenity-*

Loss of light due to close proximity to the shared boundary and distance the rear single storey extension projects to the rear impacting on the bedroom window  
Overshadowing of bedroom window and 3 bathroom windows  
Overbearing impact by side elevation gable due to height onto bedroom windows  
Loss of privacy/overlooking from dormer window to the front to the rear garden of property  
Boundary safety due to excavation works- request independent assessment of situation  
Loss of outlook from main bedroom across to the Church by rear extension and roof lights.  
Over development of the plot

*Visual amenity*

Overall size of extensions are not subordinate to original dwelling  
Front projection is not a common form of development in area and should be set back from the front of the property.  
A hedge has already been removed from the front of the property

In support

Representations received from:  
John Marsh, 12a Maes Y Dre, Ruthin

Summary of planning based representations in support:  
Development is well thought out and no concerns raised (live opposite site).

**RECONSULTATION RESPONSES:**

In objection

Representations received from:  
Alun Jones, Bryn Celyn, Ffordd Llanfair, Ruthin

Summary of planning based representations in objection:

*Residential amenity*

Loss of light and overshadowing by two storey side extension  
Loss of light into all side elevation bathroom and main bedroom window by close proximity of extension to dwelling.  
The front extension impacts main garden area of property by overlooking from front window  
Concerns over the height and rooflights in the rear extension in terms of privacy, loss of sunlight and maintaining a reasonable outlook from side bedroom window  
The extensions would result in an overdevelopment of the plot.

*Visual amenity*

Front projection not characteristic pattern of development in the area  
Side extensions should be set back from principle elevation in line with guidance contained within SPG.  
Extensions are no subordinate to the main dwelling  
The design of the extensions are not sympathetic to the character and appearance of the main dwelling

*Structural stability of boundary wall:*

Concerns over proximity of extension to the shared boundary and excavations which have already occurred which could compromise the stability of the boundary.

*Tree roots:*

The report states that remedial work is required to the exposed roots

**EXPIRY DATE OF APPLICATION: 31/05/2021**

**EXTENSION OF TIME AGREED?: Yes, 10/09/2021**

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

- protracted negotiations resulting in amended plans
- 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 application seeks permission for the erection of a two storey side extension to replace the existing attached garage and a single storey rear extension including construction of retaining walls, front block wall and excavation works to form level front parking area including removal of front hedge (partly retrospective) at Pendorlan, Ruthin.
- 1.1.2 The details of the proposal can best be appreciated from plans at the front of the report.
- 1.1.3 It is proposed to erect a rear single storey extension comprising an open plan kitchen/dining/living area which would project to the rear by 5.8m and would have a width of 10.9m which would encompass the entire rear elevation of the original dwelling. It is proposed to have a hipped roof with a flat central section comprising 2 lantern lights and bi-fold doors are proposed to the rear.
- 1.1.4 The rear extension is proposed to have a maximum height of 3.87m and an eave height of 2.69m. The lantern lights would have a height of 40cm.
- 1.1.5 It is proposed to erect a lean to canopy over the front door and new bay window stretching across the front elevation of the property measuring 1m x 10.3m. New windows are proposed to be inserted each side of the front door with replacement windows to the entire front elevation.
- 1.1.6 The existing attached single storey, flat roof, side garage is proposed to be removed and replaced by a two storey side extension comprising a garage and utility to the rear and master en-suite bedroom to the first floor. The extension would be set down from the main ridge line by 30cm and would project to the side by 5.3m which is just smaller than the existing garage side projection.
- 1.1.7 It would have a total length of 10.7m and would be set forward from the principle elevation by 1.7m with a garage door to the front. The eave height of the roof would measure 3.4m to the front and a pitched roof dormer window is proposed to be inserted into the front elevation roof plane to serve the new master bedroom.
- 1.1.8 The side extension would be adjoining and also set back from the rear elevation of the new rear extension and would have a canopy over the rear entrance for access into the utility.
- 1.1.9 The side extension is proposed to have a lower eave height to the rear to match the new rear extension eaves of 2.69m. The roof slopes down and 2 high level obscure glazed velux roof lights are proposed to be inserted to serve the bathroom and dressing area. These would have a base height of 2.1m from finished floor level.

## 1.2 Description of site and surroundings

- 1.2.1 The existing dwelling is a detached exposed brick two storey property set in an elevated position to the east side of the Llanfair Road towards Wrexham.
- 1.2.2 It has a large garden to the front with a driveway which sweeps round the side of the dwelling to the rear and has a large area of hardstanding for parking at the rear.
- 1.2.3 Works have already commenced on the excavations and levelling of the land to the front of the dwelling including the removal of the front boundary hedge.

## 1.3 Relevant planning constraints/considerations

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

## 1.4 Relevant planning history

- 1.4.1 There is no planning history at the site.

## 1.5 Developments/changes since the original submission

- 1.5.1 Amendments to plans to move the side elevation further forward to reduce the impacts on neighbouring property's bedroom window to the rear.
- 1.5.2 Amendments to design to include a dormer window to the front elevation and roof design to the rear.
- 1.5.3 Reduction in height of lantern lights and movement of velux windows up the roof slope and to be installed with opaque glazing.
- 1.5.4 Details of the excavations and levels provided including a letter from a Structural Engineer on the boundary retaining walls and amount of excavations.
- 1.5.5 Tree Root Survey report submitted.

## 1.6 Other relevant background information

- 1.6.1 None.

## 2. **DETAILS OF PLANNING HISTORY:**

N/A

## 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

**Policy VOE5**- Conservation of Natural Resources

**Policy ASA3** – Parking standards

Supplementary Planning Guidance

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: Conservation and Enhancement of Biodiversity.

### 3.2 Government Policy / Guidance

Planning Policy Wales Edition 11 February 2021

### 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.

Denbighshire County Council declared a climate change and ecological emergency in July 2019. In October 2020 the Council approved an amendment of its Constitution so that all decisions of the Council now have regard to tackling climate and ecological change as well as having regard to the sustainable development principles and the well-being of future generations.

The Council aims to become a Net Carbon Zero Council and an Ecologically Positive Council by 31 March 2030. Its goal and priorities are set out in its Climate and Ecological Change Strategy 2021/22 to 2029/30. The actions, projects and priorities in the Strategy directly relate to council owned and controlled assets and services. One priority of the Strategy is to promote the existing policies within the Local Development Plan (LDP) 2006 to 2021 and Supplementary Planning Guidance (SPG) which contribute to environmentally responsible development. In preparing these reports to determine planning applications we therefore highlight the LDP 2006 to 2021 and appropriate SPG. Applications that are determined in accordance with the LDP 2006 to 2021 are environmentally responsible developments.

Planning applications are assessed in accordance with statutory requirements including The Environment (Wales) Act 2016, national policy (Future Wales, PPW 11) and local policy (LDP 2006 to 2021) and therefore they are assessed with regard to tackling climate and ecological change which is a material consideration.

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
- 4.1.4 Highways (including access and parking)
- 4.1.5 Impacts to tree and hedges

Other matters

Structural stability of retaining boundary wall

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 by the proposals have been made by a neighbour which include comments about the overall size of the extensions not being subordinate to the original dwelling and that the front projection is not a common form of development in the area and the extension should be set back from the front of the property in line with guidance contained in the Residential Development SPG.

The proposal is for the erection of a two storey side extension to replace the existing attached single storey, flat roof garage and a single storey rear extension, including construction of retaining walls, front block wall and excavation works to form level front parking area including removal of front hedge.

The existing dwelling is a 1970s exposed brick dwelling with a long side driveway and parking located to the rear. It is proposed to create a levelled parking area to the front of the dwelling instead and to retain the rear of the property as private garden space. Despite the retrospective nature of the proposals which involve a significant amount of excavations which have already taken place at the site, Officers do not consider that the works would have an unacceptable impact on visual amenity and once completed and fully landscaped with a replacement hedgerow planted to the front and side boundary, would not have a detrimental impact on the visual amenity or character of the area. Officers are of the opinion that it is not unacceptable to wish to modernise the original dwelling to suit modern day family life and creating a functional dwelling with private garden space to the rear instead of the front of the property which faces Llanfair Road is reasonable.

Having regard to the tests in Policy RD3, Officers consider the rear extension to be subordinate in scale to the original dwelling and acceptable in terms of design given that it is located to the rear and contained within a large plot, and would not be visible from the public highway. It is not considered that it would impact negatively on the overall character or appearance of the dwelling or the character of the area. The extension would have a rear projection 1.8m larger than an extension which would be allowed under permitted development rights without requiring planning permission. There would be a distance of approximately 17m between the rear elevation of the extension and the rear boundary of the plot which is considered to be more than adequate to accommodate the size of extension proposed. The insertion of rooflights of 40cm in height within the roof is not considered to raise any visual amenity concerns and are a common form of development.

The side single storey garage currently in existence has a flat roof and is not particularly attractive in its current form. The proposal is to create a first floor master suite over the exiting footprint of the garage whilst projecting it slightly forward of the principle elevation by 1.7m to accommodate the impacts to the windows in the neighbouring property which are towards the rear.

Having regard to the guidance contained in the Residential Development SPG, it is advised that most side extensions should be set back from the principle elevation of the dwelling to help demonstrate their subordination. Whilst this is not the case in this proposal, the design of the side extension with the roof set down from the main ridge height and the extended roof plane, with respect to the comments received by neighbours, it is considered that the compromise to shift the extension forward of the principle elevation to reduce the impacts on the side bedroom window of the bungalow, Bryn Coed adjacent, would not be unacceptable in this instance in terms of visual amenity. The dwelling is the last in the row of large two storey properties situated in elevated positions on this side of Llanfair Road, as the bungalow adjacent is not clearly visible from the public highway, it is not considered the side extension would result in any detrimental visual amenity impacts to the character of the area.

Having regard to the comments received from neighbours about the uncommon form of development, Officers are of the opinion that given the amount of curtilage to the front of the dwelling and the fact that the dwelling is set back off the main road in an elevated position, that a minor forward projection of 1.7m to the side extension would not harm the character of the area in an unacceptable manner visually. There is no consistent pattern of development along Llanfair Road which has properties of all different sizes and designs, some of which have been extended and modernised over recent years. Officers therefore do not consider there to be a common pattern of development with the properties along the road and consider that the overall design of the proposed side extension including the dormer window feature, and the alterations to the existing front elevation would help to modernise the property and would improve the visual appearance of the dwelling within the streetscene, in a similar way modernisation has occurred to a number of other large dwellings on both sides of Llanfair Road.

Having regard to the design, siting, scale, massing and materials of the proposed extensions and alterations, in relation to the character and appearance of the dwelling itself, the locality and landscape, it is considered the proposals would not have an unacceptable impact on visual amenity and would therefore be in general compliance with the tests in the policies referred to.

#### 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 Development SPG states that no more than 75% of a residential property should be covered by buildings.

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.

Representations on the residential amenity impacts have been made by neighbours including overdevelopment of the plot, the loss of light due to the close proximity to the boundary and the projection of the single storey rear extension having an impact on the adjacent property's bedroom window, overshadowing, overbearing impact, loss of privacy from the front dormer window and boundary safety due to the excavation works.

The proposal is for the erection of a two storey side extension to replace the existing attached garage and a single storey rear extension including construction of retaining walls, front block wall and excavation works to form level front parking area including removal of front hedge.

In relation to the issue 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 extensions, it is estimated that barely 18% of the plot would be covered if the extensions 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 well in excess of 800 square metres would remain.
- a 1 metre circulation strip around the building should be retained. The existing side attached garage extension is already within 1m of the shared boundary and is going up to first floor level.
- sufficient on site parking should be retained. The proposals do not affect the existing parking provision and create parking to the front to enable the rear garden to remain private amenity space.

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

In terms of overlooking concerns from the first floor of the side extension, there would be a back to back distance of 29.32m between the extension and the properties to the rear on Erw Goch. The velux rooflights are set at 2.1m above eye level and are proposed to be obscure glazed. It is therefore not considered that the proposals would result in any overlooking concerns to the rear of the dwelling. Other overlooking concerns have been raised regarding the front dormer window overlooking to garden area of the Bryn Coed bungalow. It is noted that the front window may overlook the corner of the garden of Bryn Coed which is the opposite end to the immediate private amenity space which currently contains a number of sheds and a Norway spruce. It is not considered that the front elevation window of the



side extension would have an unacceptable impact on the residential amenity of the occupiers of the adjacent property, more than what currently exist at the site.

With regard to the impact on the nearest neighbouring bungalow Bryn Coed, there would be a separation distance of 3.5m between the side elevation of the proposed first floor side extension and the side elevation of the existing bungalow, separated by a fence down the boundary line which is already in existence. The side elevation of Bryn Coed has a number of windows which serve a utility, bathroom, WC and a bedroom further to the rear and the ground floor is at a higher level than the ground floor of Pendorlan. Amended plans were received which shifted the side extension further to the front of the dwelling to remove the potential overshadowing impact by the first floor extension above the garage on this bedroom window given that it originally compromised the 45 degree guide in the SPG. It is considered that the erection of a first floor side extension would not result in an unacceptable overbearing or overshadowing impact on the occupiers of this property given the slope of the roofline, the separation distances between the properties and the difference in land levels.

Objections have been raised regarding the erection of the rear single storey extension. This extension projects 1.8m further to the rear than the allowed 4m permitted under householder permitted development rights. It has a height of 3.7m and contains lantern lights to the centre. The application site is set down at a lower level than the adjacent bungalow and the proposed single storey extension side elevation would be 8.2m away from the side elevation of the bungalow separated by retaining walls with a close boarded fence above.

Concerns have been raised regarding the insertion of lantern lights within the roof of the rear extension impacting on residential amenity of the occupiers of Bryn Coed in terms of affecting their outlook from the bedroom. The photo below shows the outlook from the rear bedroom window of the bungalow where the fence obscures the ground floor rear elevation and private garden of Pendorlan when standing and looking out. Therefore it is not considered that the rear extension would have an unacceptable residential amenity impact on the occupiers of the bungalow.



*Case Officer photo taken from standing eye level from the bedroom window of the bungalow*

Having regard to the scale, location and design of the proposed development, it is considered that the proposals would not have an unacceptable impact on residential amenity, and would therefore be in general compliance with the tests of the policies referred to.

#### 4.2.4 Impact to trees and hedges

Local Development Plan Policy RD 1 test (iii) requires development to protect and where possible to enhance the local natural and historic environment.

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 (PPW 11) Section 6.4 'Biodiversity and Ecological Networks', current legislation and the Conservation and Enhancement of Biodiversity SPG, 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.

Planning Policy Wales (PPW 11) sets out that "*planning authorities must seek to maintain and enhance biodiversity in the exercise of their functions. This means that development should not cause any significant loss of habitats or populations of species, locally or nationally and must provide a net benefit for biodiversity*" (Section 6.4.5). PPW also draws attention to the contents of Section 6 of the Environment (Wales) Act 2016, which sets a duty on Local Planning Authorities to demonstrate they have taken all reasonable steps to maintain and enhance biodiversity in the exercise of their functions. It is important that biodiversity and resilience considerations are taken into account at an early stage when considering development proposals (Section 6.4.4).

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 ecological impacts of development should therefore be regarded as a potential material consideration.

Representations have been received regarding the late submission of the tree root impact survey report and the fact that remedial works will need to be done to the exposed roots.

The proposal involves the retrospective removal of a front boundary hedge. Whilst this does not require planning permission, its removal has been noted in comments from neighbours and is in connection with the excavation works which have already been undertaken at the site. However, it is proposed to replace the front and side boundary hedge on the new levelled front curtilage which now forms a parking area and driveway allowing the rear garden to be more private. Officers consider this to be acceptable and would enhance the visual amenity and character of the area.

The retrospective element of the proposal is the excavated front garden area which has undergone extensive levelling in places and has gone close to the boundary exposing tree roots from the tree located in the neighbour's garden. Whilst it is considered that the site is not attractive at this present time whilst works are underway, Officers consider the finished scheme, once landscaped would soften and improve the appearance of the site and would not impact unacceptably on the character of the area. The site levelling has allowed the creation of a front driveway

thereby freeing up the existing rear parking area as private garden space away from the main road.

Having regard to the impacts to the tree roots, the Tree Root Survey has concluded that the impacts to the roots are not detrimental to the tree and has advised that they are blunted at the ends to allow regrowth. The Council's Tree Officer agrees with this approach and raises no objection to the works already undertaken.

The rear boundary hedge shared with the properties along Erw Goch has been highlighted by a Local Member as being a historically important hedgerow which requires protection. The hedgerow has been home to a number of protected species including hedgehogs over the years. Having regard to the concerns raised and works which are likely to take place to create the private rear garden, it is considered reasonable to ensure that this hedgerow is protected from any future development in the form of a condition attached to any decision, which can be achieved through removing permitted development rights at the dwelling and ensuring the hedge is protected by 1m fencing during any development works.

#### Other matters

##### Structural stability of retaining boundary wall

Representations have been received raising concerns over the stability and safety of the boundary wall which has already undergone excavation works close to it.

A Structural Engineers Letter has been provided to support the application which concludes that most of the excavation work is ok and safe but there is one section of the wall that will need a retaining structure as they have excavated too close. The report has been considered by the Council's Principal Building Control Officer who deems it to be acceptable providing the retaining wall is installed and backfilled where it has been identified as being required.

It should also be noted that PPW makes it clear that responsibility for determining the extent and effects of instability or other risk remains that of the developer, who has to ensure that the land is suitable for the development proposed.

Given that this element of the proposals will be covered by Building Regulations Approval, it is not deemed necessary to duplicate controls in the form of attaching a condition to any decision to request this detail. The applicants have a duty to comply with the Party Wall Act 1996 to ensure that any excavations or development do not undermine the existing foundations. It should also be noted that PPW makes it clear that responsibility for determining the extent and effects of instability or other risk remains that of the developer, who has to ensure that the land is suitable for the development proposed, as a planning authority does not have a duty of care to landowners. A note to applicant will be included on any decision to grant to remind the applicants of this duty.

##### 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 Having regard to the detailing of the proposals, the potential impacts on the locality, and the particular tests of the relevant policies, the application is considered to be acceptable and is recommended for grant.

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

1. The development to which this permission relates shall be begun no later than 8th September 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 elevations (Drawing No. SU02) received 1 April 2021
  - (ii) Existing floor plans (Drawing No. SU01) received 1 April 2021
  - (iii) Proposed floor plans (Drawing No. PL01B) received 7 July 2021
  - (iv) Proposed rear and side elevations (Drawing No. PL02D) received 14 July 2021
  - (v) Proposed front and side elevations (Drawing No. PL03C) received 9 July 2021
  - (vi) Existing site plan (Drawing No. SU04) received 1 April 2021
  - (vii) Proposed site plan (Drawing No. PL04B) received 7 July 2021
  - (viii) Existing sections (Drawing No. SU03) received 1 April 2021
  - (ix) Location plan received 1 April 2021
  - (x) Proposed Side/Section through elevation (Drawing PL05) received 7 July 2021
  - (xi) Proposed section A-A (Drawing PL06B) received 14 July 2021
  - (xii) Structural Letter Report (ref. N1174/NL/MJ dated 24/06/2021) received 7 July 2021
  - (xiii) Tree Root Investigation Report (dated 17/06/2021) received 7 July 2021
3. Notwithstanding the provisions of Class A of Part 2 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification) no development permitted by the said Classes shall be carried out without approval in writing of the Local Planning Authority .
4. Notwithstanding the submitted plans, no windows shall be inserted to the side elevation of the side extension hereby permitted at any time unless otherwise approved in writing by the Local Planning Authority.
5. The hereby approved front hedgerow shall be planted no later than the next available planting and seeding season following the completion of the front driveway and parking area. Any hedgerow plants which within a period of 5 years from being planted, die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless otherwise agreed in writing.
6. All trees and hedges to be retained as part of the development hereby permitted shall be protected during site clearance and construction work by 1 metre high fencing erected 1 metre outside the outermost limits of the branch spread, or in accordance with an alternative scheme agreed in writing by the Local Planning Authority; no construction materials or articles of any description shall be burnt or placed on the ground that lies between a tree trunk or hedgerow and such fencing, nor within these areas shall the existing ground level be raised or lowered, or any trenches or pipe runs excavated, without prior written consent of the Local Planning Authority.
7. The dwelling shall not be occupied until the driveway and parking arrangements have been completed in accordance with the approved plans.

8. Notwithstanding the hereby approved plans and documents, the development shall be carried out in strict accordance with the details contained in the Tree Root Investigation Report (Stephen Cutmore, dated 17 June 2021) received 7th July 2021 in respect of root remediation measures.

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 and visual amenity.
4. In the interests of residential amenity.
5. In the interests of visual amenity.
6. In the interest of visual amenity and to protect ecological interests
7. In the interests of highway safety.
8. To safeguard the trees and the amenity they afford.