



**41/2021/1199**



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Proximity to neighbouring dwellings





View towards dwelling to the south-west





View towards dwelling to the north-west



**WARD :** Tremeirchion

**WARD MEMBER(S):** Cllr Christine Marston (c)

**APPLICATION NO:** 41/2021/1199/ PC

**PROPOSAL:** Erection of a garden implement store (retrospective application)

**LOCATION:** Bryn Ffynnon, Bodfari, Denbigh

**APPLICANT:** Mr & Mrs A J Emslie

**CONSTRAINTS:** AONB

**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:**

**BODFARI COMMUNITY COUNCIL**

The Council objected to this application on the grounds that:

- a) It significantly overlooked neighbouring properties
- b) It would contribute greatly to light pollution in are a factor that is at variance with the AONB supplementary guidance on dark skies that DCC has adopted.

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

“The Joint Committee deplores the retrospective nature of this application but has no objection in principle to the proposals. The specification of natural slate roof and timber clad walls is appropriate to the rural setting. The committee favours a naturally weathered finish for the timber cladding to better integrate the development into the rural scene. The intention to plant new native hedge boundaries to supplement the existing post and wire boundary fences is supported, but further details are required of the extent and specification of the proposed hedges. The committee would also recommend that selected locally native hedgerow trees are also planted as part of the landscaping scheme. No details of existing or proposed external lighting are shown but the committee would recommend that a condition be attached to any permission requiring further details of any proposed lighting to ensure it is designed and specified to conserve the AONB's dark sky and nocturnal wildlife.”

**RESPONSE TO PUBLICITY:**

In objection

Representations received from:

Heather and Martin Eubank, Treehouse Cottage, Bodfari  
Mr & Mrs Moorhouse, The Old Chapel, Sodom, Bodfari

Summary of planning based representations in objection:

Visual amenity:

- Outbuilding is of considerable size and in view of the time it takes to screen with landscaping, wonder if this is an option as a light now shines from the side of the house to the newly developed area.

- Concerns also raised about the impact of the replacement dwelling built at the site (subject of previous consent).
- Consider site has been overdeveloped and trees have been removed not replaced.
- Note that the landscaping scheme approved as part of previous replacement dwelling consent has not been implemented / completed in accordance with approved plans. This needs to be completed and feel current application should be conditioned to ensure previous landscaping scheme is carried out.

Residential amenity:

- Concerns regarding impact on neighbouring dwellings to the west of the site in terms of privacy, noise and light pollution.
- The Garden Implement Store is visible from the rear of dwellings to the west. Consider landscaping is needed to provide screening to help with privacy, and to minimise noise and light pollution.
- Need to control external lighting to avoid light pollution.
- Feel more information is needed on the garden implements being stored to ensure it doesn't cause noise pollution.

Re-consultation response:

- Note the additional landscaping proposed, but concerns raised regarding when it will be carried out and where it is sited - proposed location of the additional native hedging is considerably lower (downhill) from where the store has been built, and won't provide screening of the store from neighbouring properties, and will fail to maximise privacy and minimise noise and light pollution from the store. Screen planting should be alongside the store building at the same level. The revised proposed plan therefore does not address neighbour concerns.

**EXPIRY DATE OF APPLICATION: 20/01/2022**

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

- awaiting consideration by Committee

**PLANNING ASSESSMENT:**

**1. THE PROPOSAL:**

1.1 Summary of proposals

- 1.1.1 The proposal is for the retention of a garden store building which has been built within the curtilage of Bryn Ffynnon residential dwelling.
- 1.1.2 The garden store building is 7.8m long by 5.3m wide. Walls are timber and the pitched roof is finished in slate tiles. The pitch height is 3.9m.

1.2 Description of site and surroundings

- 1.2.1 The site lies within the residential curtilage of Bryn Ffynnon, which is a new build two storey dwelling situated in an open countryside location, approximately 1.4km to the north-east of Bodfari village centre.
- 1.2.2 The closest neighbouring dwellings are Treehouse Cottage, approximately 75m to the south-west and The Old Chapel, approximately 110m to the north-west from the site of the garden store building, which are at a lower ground level to the application site.

1.3 Relevant planning constraints/considerations

- 1.3.1 Outside of development boundaries and within the AONB.

1.4 Relevant planning history

- 1.4.1 Planning permission granted in 2014 for a replacement dwelling at the application site.

1.5 Developments/changes since the original submission

- 1.5.1 Amended plans submitted to include additional planting to the west of the site.

### 1.6 Other relevant background information

1.6.1 Subject to controls on size and siting, outbuildings can be built within the curtilage of a dwelling under permitted development rights. Officers would note that permitted development rights have not been removed, however the building is more than 20m from the dwelling and therefore requires planning permission.

1.6.2 Officers would also stress that the grant of planning permission for ancillary buildings within the residential curtilage does not override the need to comply with conditions imposed on the planning permission for the replacement dwelling.

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

2.1 41/2014/1215. Demolition of existing dwelling and outbuildings and erection of replacement dwelling and ancillary works. Granted 30/12/2014.

2.2 41/2015/0195. Details of landscaping submitted in accordance with condition number 2 of planning permission 41/2014/1215 (approval of condition application) Approved 25/02/2015.

2.3 41/2015/0728. Re-siting of replacement dwelling submitted in relation to application Code No. 41/2014/1215/PF (non-material amendment). Approved 17/08/2015.

## 3. **RELEVANT POLICIES AND GUIDANCE:**

The main planning policies and guidance are considered to be:

### **Local Policy/Guidance**

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

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

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

**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: Residential Development

### **Government Policy / Guidance**

Planning Policy Wales Edition 11 February 2021

Development Control Manual (2016)

Future Wales – The National Plan 2040

## 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 all statutory requirements, policies and 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 / character of the AONB
- 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.

The Residential Development SPG offers basic advice on the principles to be adopted when designing domestic extensions and related developments, including domestic outbuildings within the residential curtilage.

The principle of appropriate outbuildings within the residential curtilage 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 / Character of the AONB

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.

Policy VOE2 seeks to prevent development that would harm the character and appearance of the AONB.

Representations on the visual amenity impacts have been made by the Community Council and members of the public. The AONB Advisory Committee have raised no objection, subject to conditions to control landscaping and external lighting.

The proposal is for a timber storage shed within the residential curtilage of a recently constructed replacement dwelling.

Amended plans have been submitted which include additional planting along a boundary outside of the residential curtilage, but within the applicant's control on grounds of visual and residential amenity.

Comments have also be made in relation to compliance with the approved landscaping scheme for the replacement dwelling at the site.

Officers would note the conditions imposed on the replacement dwelling permission, including the scheme of landscaping, need to be complied with, and the grant of consent for the storage building subject of the application does not alter this.

Officers also note that the landscaping proposals should only relate to the impact of the scheme subject of the planning application, and conditions cannot be imposed to require landscaping measures to rectify impacts outside of the scope of the planning application.

Officers consider the materials using in the garden store building to be sympathetic to the setting within the AONB. The scale of the building is clearly subordinate to the main dwelling, and the siting is also considered to be well related to the main dwelling.

The planting proposed is also considered to be proportionate to the scale of the development, and would help to screen views of the building from the west.

Officers do not therefore consider it reasonable to condition additional landscaping over and above what is shown on the approved plans, and would note that the landscaping scheme subject of the replacement dwelling permission would still need to be complied with.

No details of lighting are shown on the plans, however owing to the siting within the AONB, conditions are considered necessary to control external lighting.

Therefore, having regard to the design, siting, scale, massing and materials of the proposed garden store building, in relation to the character and appearance the locality and landscape, subject to the imposition of conditions, 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.

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 the Community Council and members of the public.

The proposal is for a garden store within the residential curtilage.

Officers would note that the nearest unrelated dwelling is over 75m from the application site. Whilst residential properties to the west are at a lower ground level, owing to topography and intervening vegetation, views towards the neighbouring properties from the site are very limited.

From officer observations at the site visit, from a vantage point close to the store building, only roof pitches of Tree House Cottage and The Old Chapel to the west could be seen from the site. Windows and residential gardens could not be seen.

Whilst neighbours may have concerns regarding views towards their property from the recently built replacement dwelling or from other sections of the site, Officers would stress the assessment of impact on residential amenity needs to be focussed on the development which is subject of the current application.

Owing to the scale and siting of the proposed garden store, the separation distances between the site and dwellings to the west, and intervening topography and vegetation, Officers do not consider the proposal would adversely impact on residential amenity of residential neighbours.

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.

#### 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 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 9th February 2027
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) As proposed (Drawing No. E1514-1 Rev. A) received 5 January 2022
  - (ii) Existing site and location plan (Drawing No. E1514-2) received 25 November 2021
3. All planting comprised in the approved details of landscaping shown on the proposed plans shall be carried out in the first planting and seeding seasons following the completion of the development and any trees or plants which, within a period of five years of the development, die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

4. No external lighting shall be installed without the formal written approval of the Local Planning Authority to the detailing of the proposed lighting. The approved scheme shall be implemented strictly in accordance with the approved details.

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. To ensure a satisfactory standard of development, in the interests of visual amenity.
4. In the interest of the visual amenity of the Area of Outstanding Natural Beauty and nature conservation.