

**47/2022/0239**



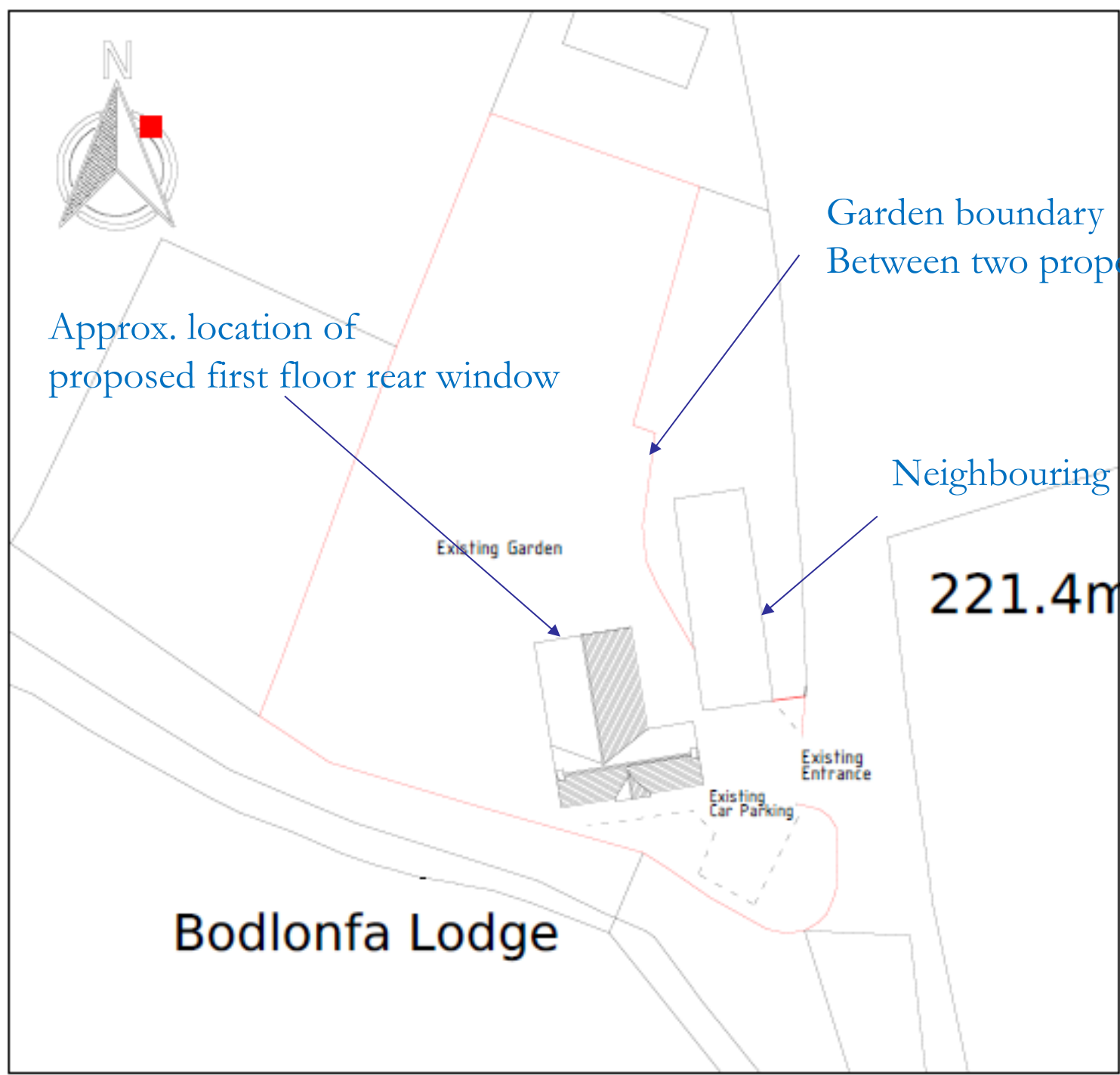
**N** Graddfa / Scale: 1:1250

**Canol / Centre:** 308658, 376404

**Dyddiad / Date:** 2022-06-20 15:40:04

© Hawlfraint y Goron a hawliau cronfa ddata 2022 Arolwg Ordnans 100023408 © Crown copyright and database rights 2022 Ordnance Survey 100023408





Approx. location of proposed first floor rear window

Garden boundary  
Between two properties

Neighbouring property

Existing Garden

221.4m

Existing Entrance

Existing Car Parking

**Bodlonfa Lodge**







Existing rear elevation (neighbouring property to side)





Rear elevation and boundary with neighbour







Boundary between the two properties





Existing view from neighbour's garden





View from side elevation of neighbour's property



**WARD :** Tremeirchion

**WARD MEMBER(S):** Cllr Chris Evans (c)

**APPLICATION NO:** 47/2022/0239/ PF

**PROPOSAL:** Erection of extension and alterations to dwelling

**LOCATION:** Bodlonfa Lodge Rhuallt St. Asaph

**APPLICANT:** Miss Eva Walters

**CONSTRAINTS:** AONB

**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 to consider the impact on the neighbouring property.

**REASON FOR DELEGATED DECISION**

**Scheme of Delegation Part 1, Section 1.1**

**CONSULTATION RESPONSES:**

TREMEICHION, CWM & WAEN COMMUNITY COUNCIL – No response received.

CLWYDIAN RANGE AND DEE VALLEY AREA OF OUTSTANDING NATURAL BEAUTY  
JOINT ADVISORY COMMITTEE – No response received.

DENBIGHSHIRE COUNTY COUNCIL CONSULTEES –

County Ecologist – No response received.

**RESPONSE TO PUBLICITY:**

In objection

Representations received from:

Alex Clay, Little Lodge Cottage, Rhuallt

Summary of planning based representations in objection:

*Residential amenity impacts:*

1. The large, Juliet upstairs bedroom window proposed in rear extension would overlook neighbouring house and garden, resulting in loss of privacy. Obscured glazing would not overcome concerns.
2. Currently no windows in the rear elevation, so neighbouring garden is not currently overlooked.
3. Extra third window also proposed to the side east elevation - would not welcome the third window unless it has obscured glass.
4. Clarifies that neighbour has no objection to the extension in principal, just to our loss of privacy.

**EXPIRY DATE OF APPLICATION: 21/06/2022**

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

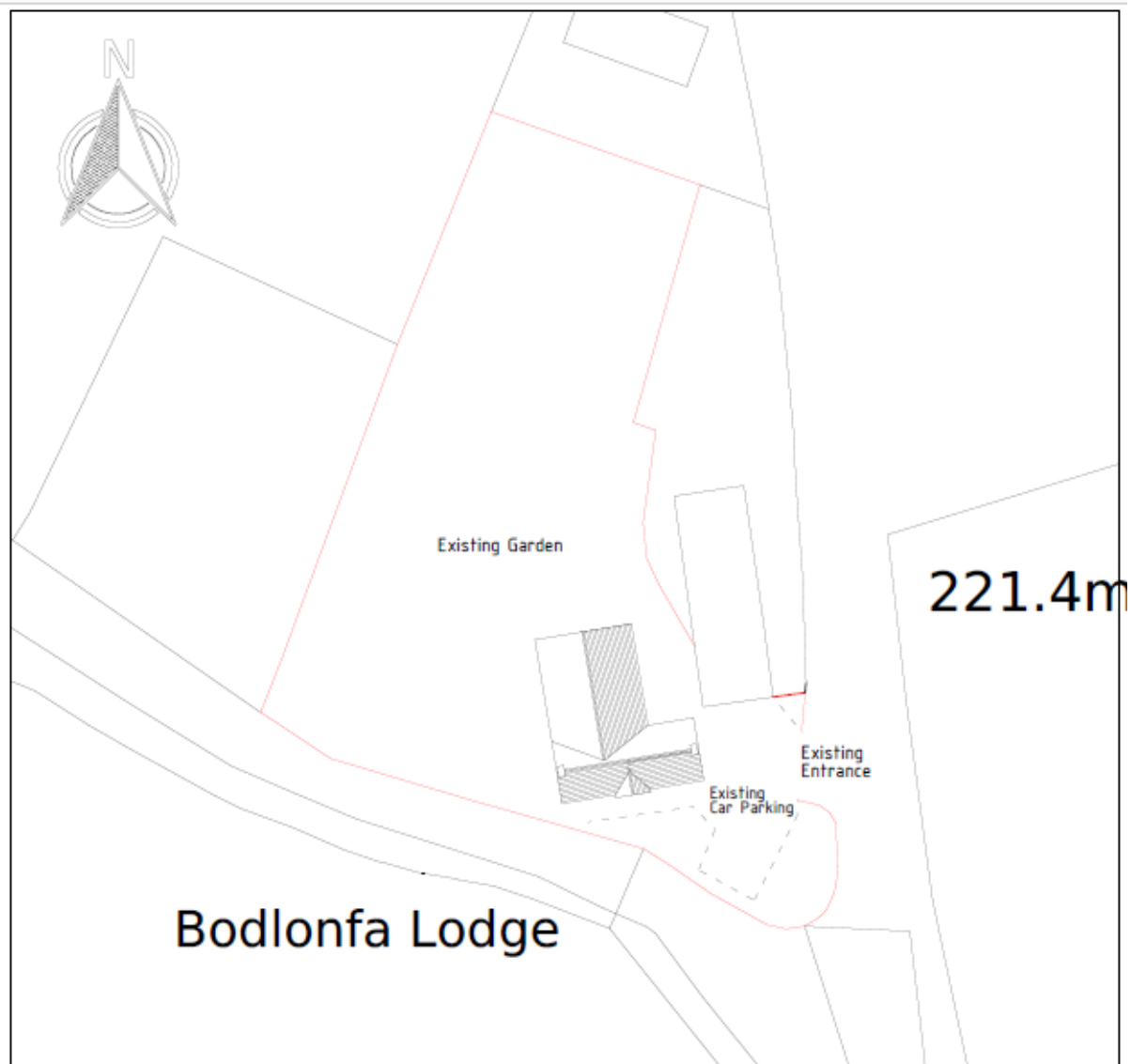
- awaiting consideration by Committee

**PLANNING ASSESSMENT:**

**1. THE PROPOSAL:**

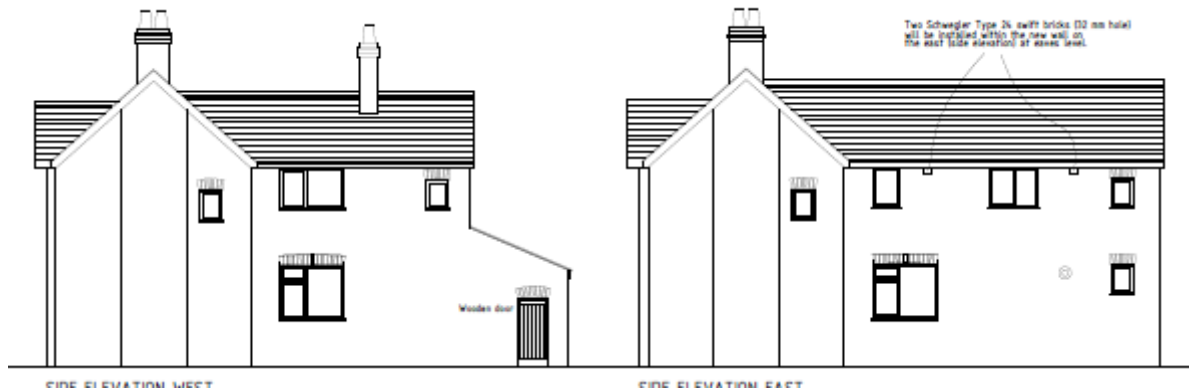
1.1 Summary of proposals

- 1.1.1 The proposal is for demolition of an existing conservatory and erection of a two storey pitched roof extension to the rear elevation of the dwelling.
- 1.1.2 Alterations are also proposed to existing window openings.
- 1.1.3 The proposed site plan is shown below, which shows the relationship with the neighbouring property:



- 1.1.4 Existing and proposed side (east) elevations:





#### 1.1.5 Existing and proposed rear elevation:



#### 1.1.6 The application is also supported by a protected species survey.

### 1.2 Description of site and surroundings

1.2.1 The site is occupied by a two storey detached dwelling in an open countryside location.

1.2.2 To the east is the neighbouring residential dwelling known as Little Lodge Cottage, which is a single storey property. Little Lodge Cottage was originally annexe accommodation, ancillary to Bodlonfa Lodge which became a lawful dwelling in its own right in 2009.

### 1.3 Relevant planning constraints/considerations

1.3.1 The site is located in an open countryside location within the Clwydian Range and Dee Valley AONB.

### 1.4 Relevant planning history

1.4.1 Previous consent for extensions to the dwelling not of direct relevance to the current proposal.

1.4.2 Planning permission for a detached granny annexe building was granted in 1995. A Certificate of lawful use was granted in 2009 for the use of the granny annexe as a separate dwelling. The former Granny annexe is the neighbouring dwelling now known as Little Lodge Cottage.

### 1.5 Developments/changes since the original submission

1.5.1 None.

### 1.6 Other relevant background information

1.6.1 None.

**2. DETAILS OF PLANNING HISTORY:**

- 2.1 02/TRE/0073/95/P. Erection of Granny Flat and extension to dwelling to form sun lounge. Granted 10/05/1995
- 2.2 47/2007/1227. Removal of Condition No. 3 of planning permission Code No. 2/TRE/0073/95/P to allow use of 'granny flat' as separated dwelling and construction of new vehicular access. Refused 11/01/2008
- 2.3 47/2009/0806. Certificate of Lawfulness for existing use of annexe as a separate dwelling unit. Granted 23/10/2009
- 2.4 47/2010/0592. Change of use of land to form extension to existing residential curtilage of Lodge Cottage and formation of new vehicular access within that land. Granted 30/06/2010

**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 VOE5** – Conservation of natural resources

Supplementary Planning Guidance

Supplementary Planning Guidance Note: Clwydian Range and Dee Valley Area of Outstanding Natural Beauty

Supplementary Planning Guidance Note: Residential Development

Supplementary Planning Guidance Note: Residential Space Standards

**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 / AONB
- 4.1.3 Residential amenity
- 4.1.4 Ecology

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.

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 / 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 VOE 2 requires assessment of the impact of development within or affecting the AONB and AOB, and indicates that this should be resisted where it would cause unacceptable harm to the character and appearance of the landscape and the reasons for designation.

There are no representations raising visual amenity issues.

The site lies within the AONB, however the extension is not considered to be of a scale that would adversely impact on the character or appearance of the protected landscape.

The proposal is for a two storey extension to the rear elevation which is considered to be sympathetic in design, scale and materials to the existing building and does not represent an overdevelopment of the site.

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, 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.

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 a residential neighbour, which focus on the impact on privacy and overlooking of the neighbouring property and garden.

The neighbouring property, Little Lodge Cottage was originally built as a Granny annexe for Bodlonfa Lodge, and has since become a lawful dwelling in its own right. As a result, the two properties are very closely related.

There are currently no first floor windows in the rear elevation of the property.

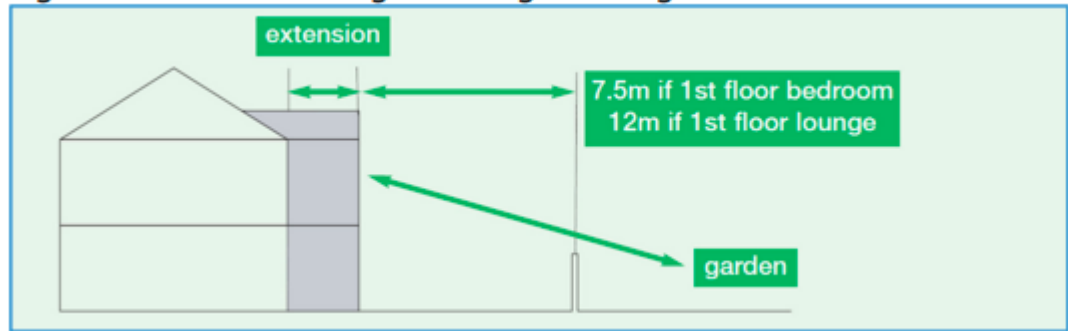
Whilst the introduction of a first floor window to the rear elevation where currently no window exists would introduce a new level of overlooking towards the neighbouring property, this in itself is not a reason for refusal, and an assessment has to be made as to the degree of overlooking that would arise through the introduction of a new first floor window and the impact this would have on the privacy and amenity currently afforded to the residential neighbour.

The Residential Development SPG provides guidance on privacy and overlooking. At 6.41 the SPG states *“Extensions and new built houses should not overlook neighbouring houses or gardens. If habitable rooms such as bedrooms, living rooms, studies or kitchens are proposed on the first floor or above, care should be taken to avoid direct overlooking from windows and balconies particularly where the extension is close to the boundary. In some cases such as sloping sites, care should be taken to avoid overlooking from ground floor extensions.”*

At 6.42, the SPG it goes on to state *“Overlooking of a neighbours garden can be avoided by ensuring an adequate separation distance.”*

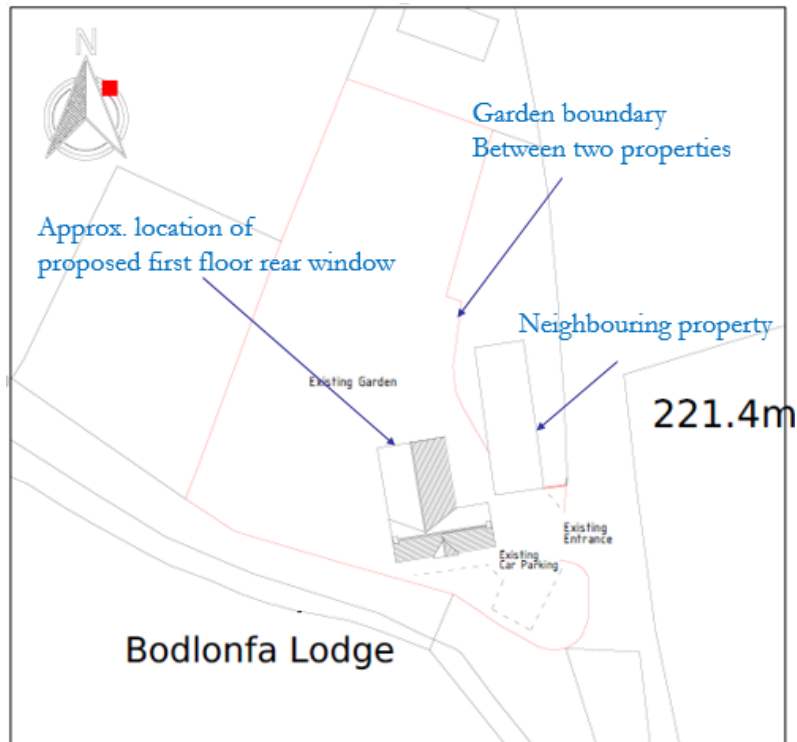
Figure 7 in the SPG provides guidance on appropriate separation distances:

**Figure 7** Overlooking of a neighbours garden



The proposed first floor rear window would not face a window in the neighbouring property, but there would be a line of sight towards the residential neighbour's garden.

The window proposed would serve a bedroom and Officers would note that, at the closest point, the window would be approximately 11m from the boundary with the residential neighbour, which exceeds the recommended separation distances laid out in the SPG, which is illustrated below:



A new first floor window is proposed in the side (east) elevation which would face towards the side elevation of the neighbouring property. This window would serve a bathroom which is not considered to be a habitable room. Therefore conditions can be imposed requiring this window to be fitted with obscure glazing, in the interests of protecting the neighbour's amenity.

Officers acknowledge the introduction of a new first floor window would introduce a new level of overlooking towards the neighbour's private garden, however having regard to the separation distance between the window and the boundary with the neighbour's property, Officers are satisfied the proposal would not result in a level of overlooking that would be harmful to the residential amenity of the neighbouring property to the extent that would warrant a refusal on those grounds.

Officers would however propose a condition to control first floor windows to that which is shown on the proposed plans in the interests of protecting the neighbour's amenity.

Therefore, subject to the imposition of conditions, having regard to the scale, location and design of the proposed development and the separation distances between the proposed first floor rear window and the neighbour's garden, 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 Ecology

Policy VOE 5 requires due assessment of potential impacts on protected species or designated sites of nature conservation, including mitigation proposals, and suggests that permission should not be granted where proposals are likely to cause significant harm to such interests.

This reflects policy and guidance in Planning Policy Wales (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).

No representations have been received on ecological grounds.

The application is supported by a protected species survey which confirms the no evidence of bats at the site. Evidence of house martins on the edge of the chimney stack below the ridge on the east elevation is recorded, however the report states this area will not be disturbed as part of the rear extension proposal and will remain available for nesting post construction.

One bat box and two nesting bird boxes are proposed to provide ecological enhancement. Conditions can be imposed to secure the enhancement provisions.

Subject to the imposition of conditions, Officers are satisfied the proposal would not have an adverse impact on ecological interests.

#### 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 Notwithstanding the concerns raised by the residential neighbour, 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 13th July 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) Existing elevations (Drawing No. 012022C) received 8 March 2022
  - (ii) Existing and proposed ground floor plan (Drawing No. 012022E) received 8 March 2022
  - (iii) Existing and proposed first floor plan (Drawing No. 012022F) received 8 March 2022
  - (iv) Proposed elevations (Drawing No. 012022D) received 27 April 2022
  - (v) Existing site plan (Drawing No. 012022B) received 27 April 2022
  - (vi) Proposed site plan (Drawing No. 012022B) received 27 April 2022
  - (viii) Location plan received 8 March 2022
  - (ix) Protected Species Survey (Clwydian Ecology dated 4th April 2022) received 27 April 2022
3. Notwithstanding the provisions 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 first floor windows additional to those shown on the approved plans shall be inserted at any time in the extension hereby permitted, unless otherwise agreed in writing by the Local Planning Authority.
4. The first floor window in the side elevation of the extension hereby approved as shown on proposed elevations which faces the residential curtilage of Little Lodge Cottage shall be fitted with obscure glazing. The windows shall be retained as obscurely glazed windows unless otherwise agreed in writing by the local planning authority.
5. The development hereby approved shall include provision of one bat box on the western side elevation and two nesting bird boxes on the eastern side elevation in the locations shown on the figures contained in Section 8 and 9 respectively of the approved Protected Species Survey.

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 interest of residential amenity.
4. For the avoidance of doubt and in the interests of protecting residential amenity.
5. To secure the provision of ecological enhancement within the development.