

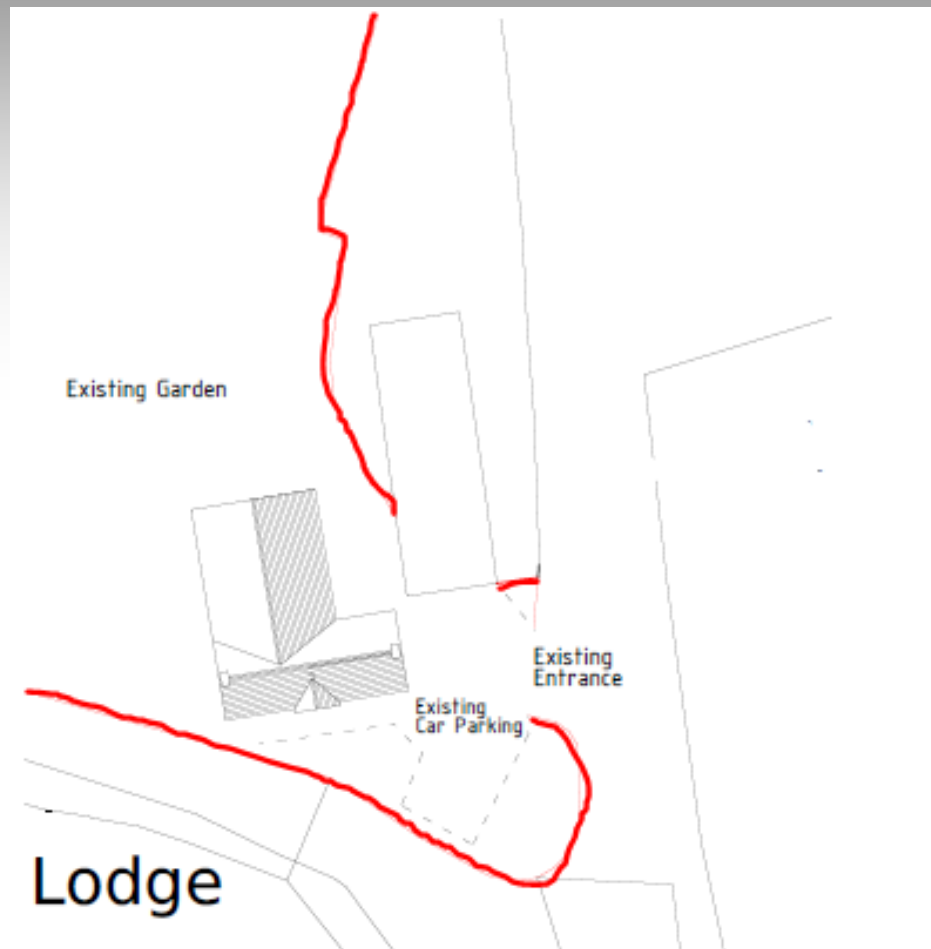
47/2023/0179

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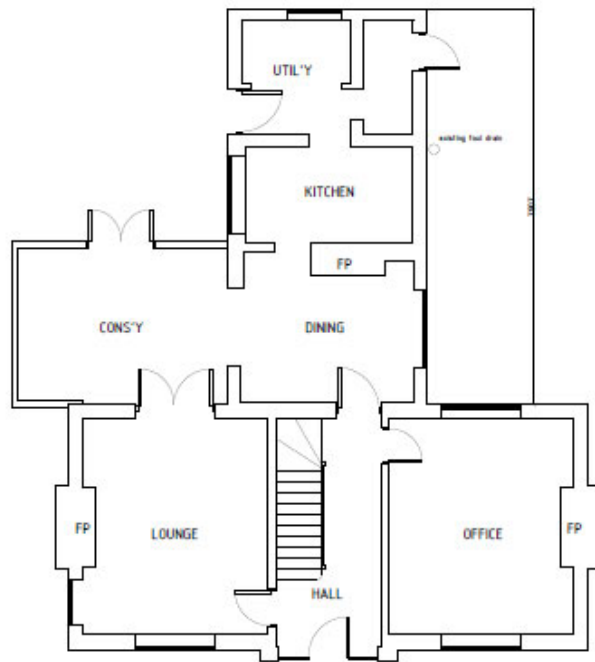
Site Plan (Annex to RHS)



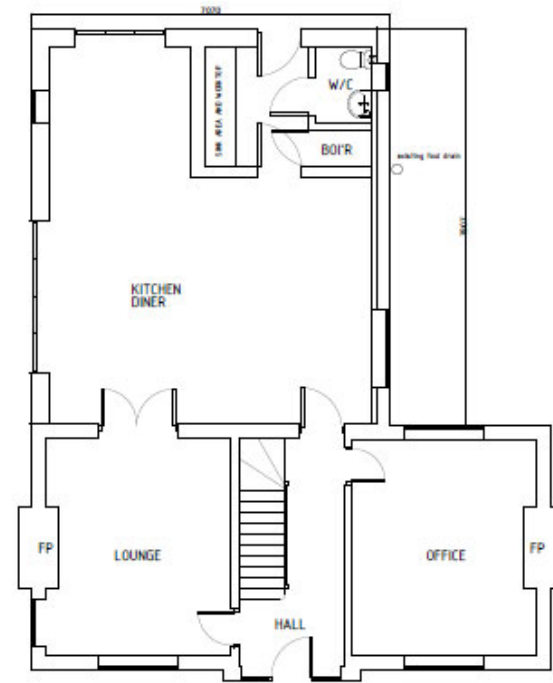
Existing elevations



Proposed elevations

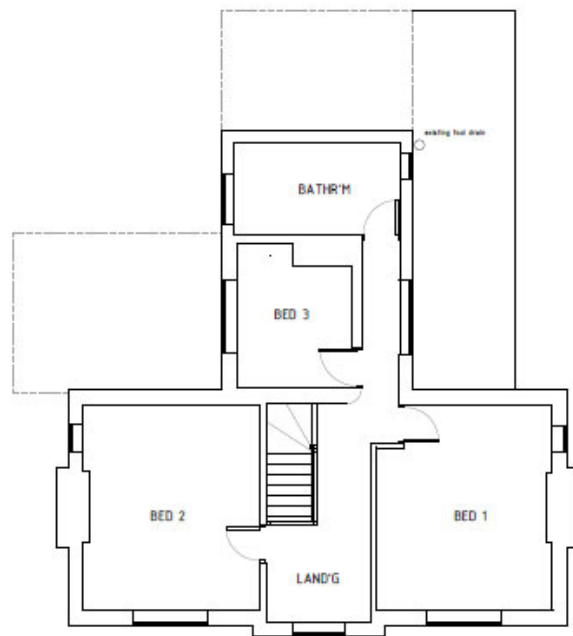


GROUND FLOOR PLAN EXISTING

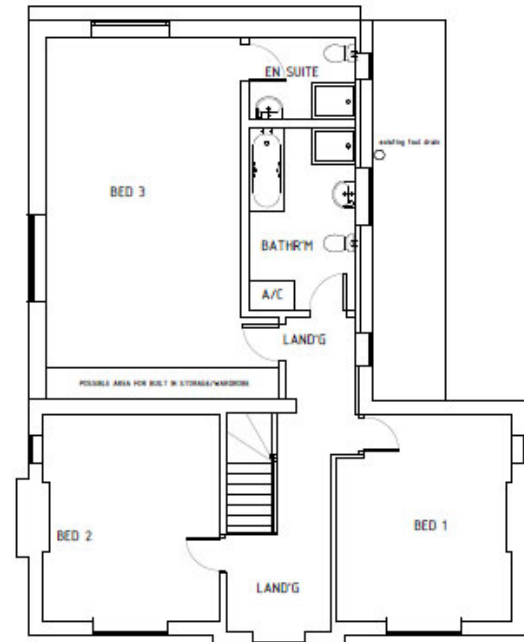


GROUND FLOOR PLAN PROPOSED

Existing and proposed ground floor plans



FIRST FLOOR PLAN EXISTING



FIRST FLOOR PLAN PROPOSED

Existing and proposed first floor plans



Rear of Bodlonfa Lodge (Annex to RHS)



Photo from garden of Annex showing rear of site,
patio and relationship to rear of Bodlonfa Lodge

WARD : Tremeirchion

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

APPLICATION NO: 47/2023/0179/ PF

PROPOSAL: Erection of extension and alterations to dwelling (resubmission)

LOCATION: Bodlonfa Lodge Rhualt St. Asaph LL17 0TT

APPLICANT: Miss Eva Walters

CONSTRAINTS: Tree Preservation Order
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

CONSULTATION RESPONSES:

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

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

“The Joint Committee raises no objections to this application.”

DENBIGHSHIRE COUNTY COUNCIL CONSULTEES –

County Ecologist – No objection subject to conditions

RESPONSE TO PUBLICITY:

In objection

Representations received from:

Alexandra Clay, Little Lodge Cottage, Rhualt

Summary of planning-based representations in objection:

Residential amenity impacts:

- The window proposed in rear extension would overlook neighbouring house and garden, resulting in loss of privacy.
- Currently no windows in the rear elevation, so neighbouring garden is not currently overlooked.
- Clarifies that neighbour has no objection to the extension in principal, just to our loss of privacy.

EXPIRY DATE OF APPLICATION: 11/05/2023

EXTENSION OF TIME AGREED: 25/05/2023

REASONS FOR DELAY IN DECISION (where applicable):

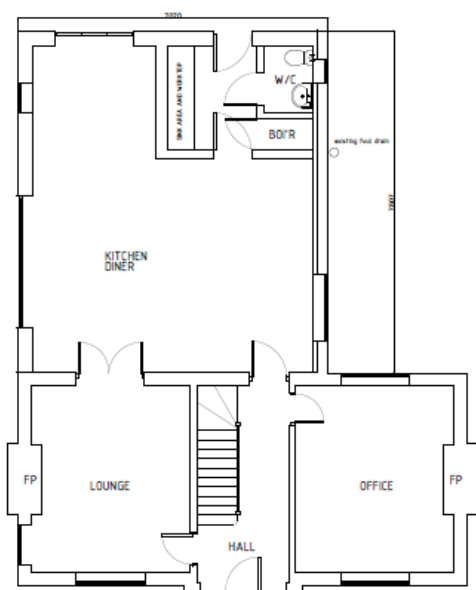
- awaiting consideration by Committee

PLANNING ASSESSMENT:

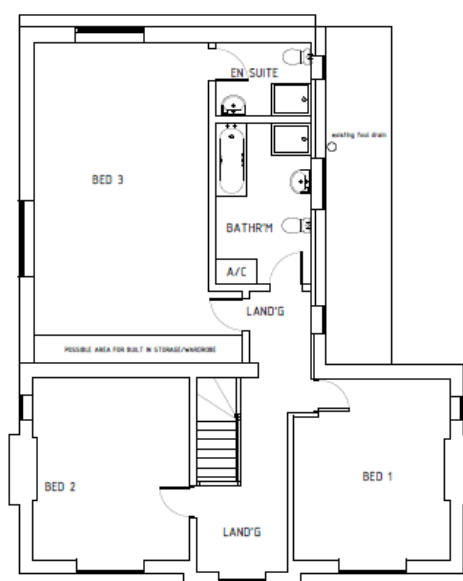
1. THE PROPOSAL:

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 Bodlonfa Lodge. Alterations are also proposed to existing window openings.
- 1.1.2 The two-storey extension would be sited to the rear of the dwelling, on its northern side. The extension would measure some 7.8 metres in length by 7 metres in width. It would have a pitched slate roof which would tie in with the existing roof level. The extension would comprise of living accommodation on the ground floor with a bedroom with an en suite and wc above. See plans snip of proposed extension (not to scale).



GROUND FLOOR PLAN PROPOSED



FIRST FLOOR PLAN PROPOSED



Elevations



Site plan

1.2 Other relevant information/supporting documents in the application.

- 1.2.1 The application is also supported by a protected species survey.

1.3 Description of site and surroundings

- 1.3.1 The site is occupied by a two storey detached dwelling in an open countryside location.
- 1.3.2 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

1.4 Relevant planning constraints/considerations

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

1.5 Relevant planning history

- 1.5.1 This is a resubmission of an application formally considered by the Council but undetermined in 2022. The application was subject of a deferral at Planning Committee and owing to the delay, was appealed under the 'non determination' process. The Appeal was dismissed by PEDW on the 1st March 2023.
- 1.5.2 The previous application/appeal was similar to this proposal. The main difference and reason the appeal failed was the presence of a French Window with Juliet balcony on the rear/north elevation of the extension and the impact this would have on the amenity of the neighbouring occupiers (of Little Lodge Cottage, the former annexe).
- 1.5.3 Prior to this 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.

1.6 Developments/changes since the original submission

- 1.6.1 None.

1.7 Other relevant background information

- 1.7.1 None.

2. DETAILS OF PLANNING HISTORY:

- 2.1 47/2022/0239 Erection of extension and alterations to dwelling. Non determination Appeal dismissed 01/03/2023
- 2.2 02/TRE/0073/95/P. Erection of Granny Flat and extension to dwelling to form sun lounge. Granted 10/05/1995
- 2.3 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
- 2.4 47/2009/0806. Certificate of Lawfulness for existing use of annexe as a separate dwelling unit. Granted 23/10/2009
- 2.5 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 4th 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
- 4.1.3 Residential amenity
- 4.1.4 Ecology

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 which occupies a large curtilage. It should be noted that the size, scale and appearance of the proposal is identical to that previously considered. In determining that appeal, the Planning Inspector concluded that *'the design of the proposed extension would be subordinate in scale and form to the existing dwelling and would use matching materials'*.

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.

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 an annexe to Bodlonfa Lodge but 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 Bodlonfa Lodge.

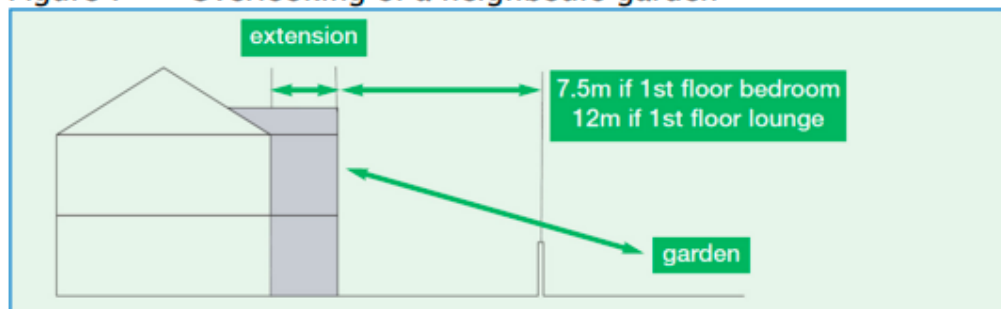
The main difference between this application and the dismissed appeal is that the French doors and Juliet Balcony on the northern elevation have been replaced by a single 'standard' sized window in the current application. The window would be one of two serving the bedroom. The other window faces the side garden area.

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 Inspector considered this impact great enough to warrant dismissal of the previous appeal, stating in her report;

"7.....The appeal property's rear projection would be increased in width to the side away from Little Lodge Cottage and so would be no closer to it than the existing projection. Given this, and the short length of the intended addition to its two-storey form over the lean-to, the proposal would not unacceptably impinge on the neighbouring dwelling's outlook or light."

8. The proposal would introduce an additional bathroom window directly facing towards the neighbouring three windows. However, although very close to Little Lodge Cottage, the proposed window would not serve a type of habitable room for which the Council's Supplementary Planning Guidance 'Residential Development' (SPG) advises separation distances, and the appellant confirms it would be obscurely glazed which could be controlled through a condition. It would not therefore unacceptably affect the living conditions of neighbouring occupiers.

9. However, a large new opening would also be introduced to the rear elevation of the proposed extension. Whilst I saw that much of the garden of Little Lodge Cottage is already overlooked from existing windows in the appeal property, it retains a private patio area near its northeast elevation. The proposed rear first floor opening would fall within the Council's guidelines in terms of distances, and there would be an oblique relationship with Little Lodge Cottage. Nonetheless, the opening to the proposed extended bedroom would be large and would include a Juliette balcony. It would be elevated and prominent in views from the neighbouring garden, including from the private patio area. Notwithstanding the angles and distances involved, relative to the existing standards of privacy at the patio, there would be a significant degree of perceived overlooking. I have taken into consideration whether this matter could be resolved by means of a condition requiring obscure glazing, however, the window is designed to be opened to make use of the Juliette balcony which would negate a condition's effectiveness.

10. I acknowledge that some views are available towards the garden of Little Lodge Cottage from the adjoining road. However, the patio is partially screened from the road by a fence and planting and users of the road would predominantly be limited to the occupiers of the small number of dwellings served by it, and their visitors. Their views towards the patio as they were passing-by would be short and fleeting, unlike the more prolonged and expansive views which would be available from the appeal dwelling's proposed new opening.

11. I conclude that the proposal would unacceptably harm the living conditions of occupiers of Little Lodge Cottage, contrary to SPG guidance which states that extensions and new built houses should not overlook neighbouring houses or gardens."

Given the window has been reduced in size and the Juliet balcony omitted, the 'use' of the window would not be the same as the previous application. The window would now be, given its reduced size, a secondary window serving the bedroom. Officers consider that subject to a condition requiring this window to be fitted with obscure glazing and limit its opening, the impacts from this window would not be so great as to justify refusing permission.

New first floor windows are also proposed in the side (east) elevation which would face towards the side elevation of the neighbouring property. These windows would serve a bathroom, a landing and wc which are not habitable rooms. Therefore, conditions also can be imposed requiring these window to be fitted with obscure glazing, in the interests of protecting the neighbour's amenity.

Subject to the imposition of conditions to control the glazing of first floor windows and no additional windows to be installed without further grant of planning permission, Officers consider it would be difficult to resist this application. As such, having regard to the scale, location and design of the proposed development and the potential to control the windows, 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 With respect to the concerns raised by the neighbouring occupier, 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 24th May 2028.
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) Location Plan (Drawing No. EWCB-012022A) - Received 17 March 2023
 - (ii) Existing Site Plan (Drawing No. EWCB-012022B-1) - Received 17 March 2023
 - (iii) Proposed Site Plan (Drawing No. EWCB-012022B-2) - Received 17 March 2023
 - (iv) Existing and Proposed Ground Floor Plan (Drawing No. EWCB-012022E) - Received 8 March 2023
 - (v) Existing and Proposed First Floor Plan (Drawing No. EWCB-012022Fam) - Received 17 March 2023
 - (vi) Existing Elevations (Drawing No. EWCB-012022C) - Received 8 March 2023
 - (vii) Proposed Elevations (Drawing No. EWCB-012022Dam) - Received 17 March 2023
 - (viii) Protected Species Survey (Clwydian Ecology dated 04/04/23) - Received 17 March 2023
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 windows in the side and rear elevations of the extension hereby approved (as shown on proposed north and east elevations) facing 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 be carried out in strict accordance with the biodiversity enhancement measures set out in Sections 8 and 9 of the approved Preliminary Protected Species Assessment (Protected Species Survey, 3379709, 4/4/22) and shall include at least one Beaumaris woodstone bat box and two Schwegler type 24 bird boxes (32mm hole), such as those listed in the aforementioned Assessment.
6. The development shall be carried out strictly in accordance with the precautionary recommendations set out in Section 8 of the approved Preliminary Protected Species Assessment (Protected Species Survey, 3379709, 4/4/22).
7. Works which could result in the damage or destruction of active bird nests must take place outside of the bird breeding season (March - August, inclusive) or immediately following a nesting bird check conducted by a suitably qualified ecologist.

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. In order to maintain and enhance biodiversity and to secure the provision of ecological enhancement within the development.
6. To maintain the favourable conservation status of protected species.
7. In the interest of the biodiversity of the area.