

47/2023/0389

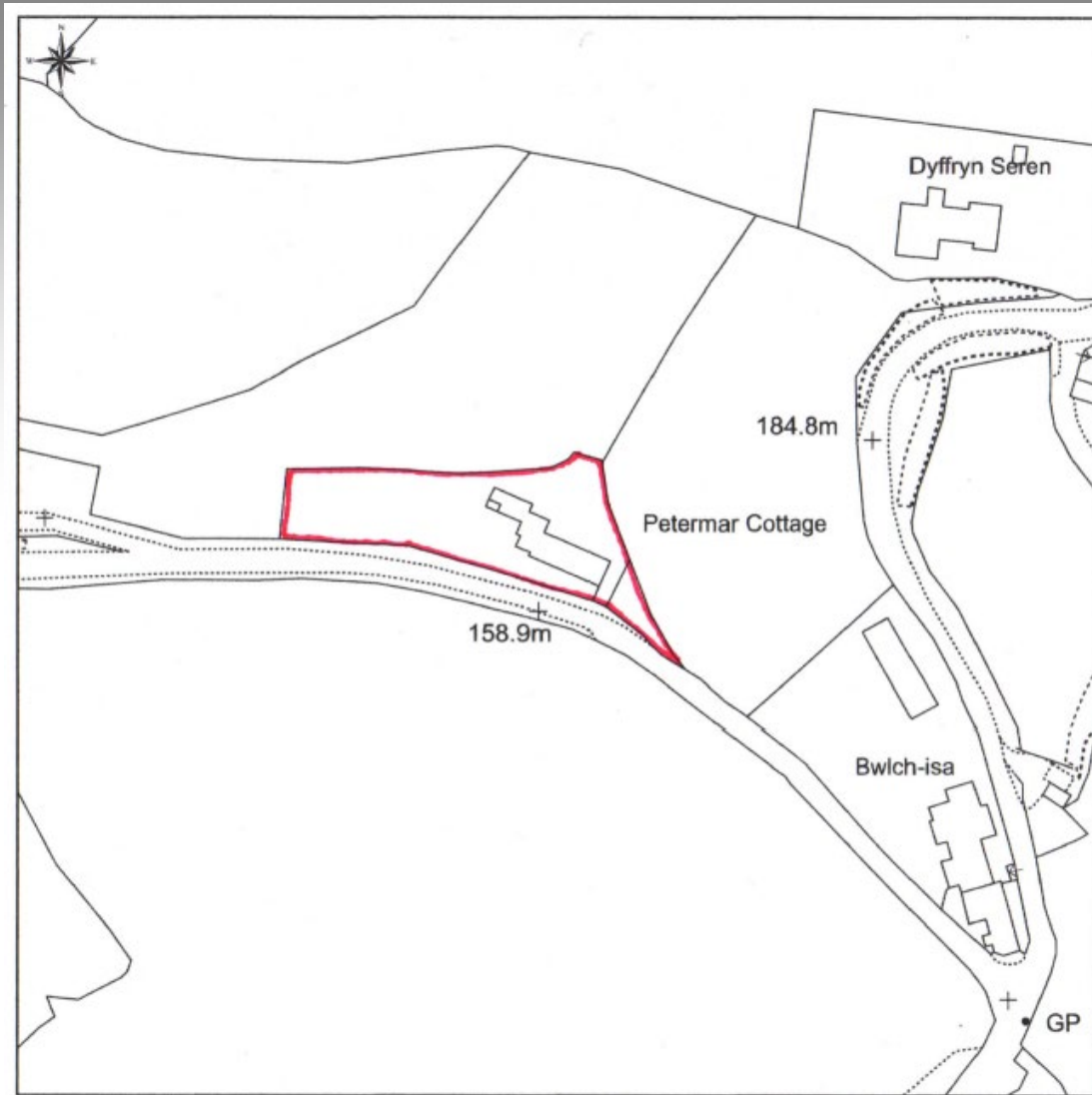


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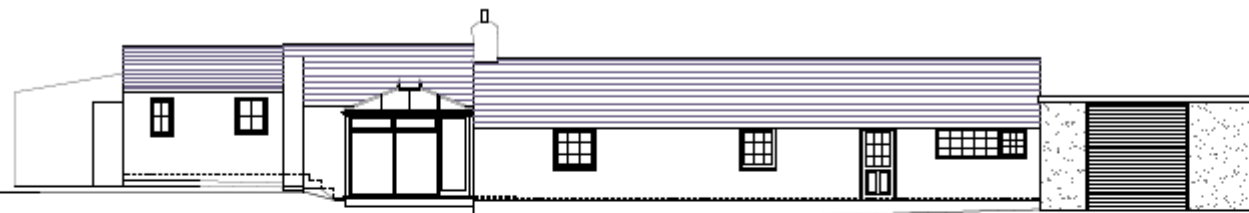
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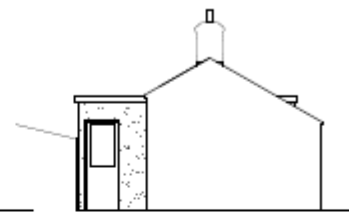
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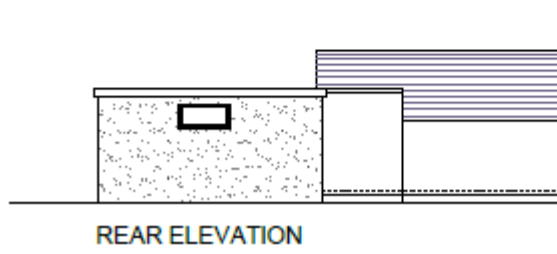
Location Plan



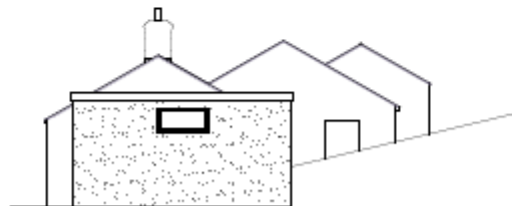
FRONT ELEVATION



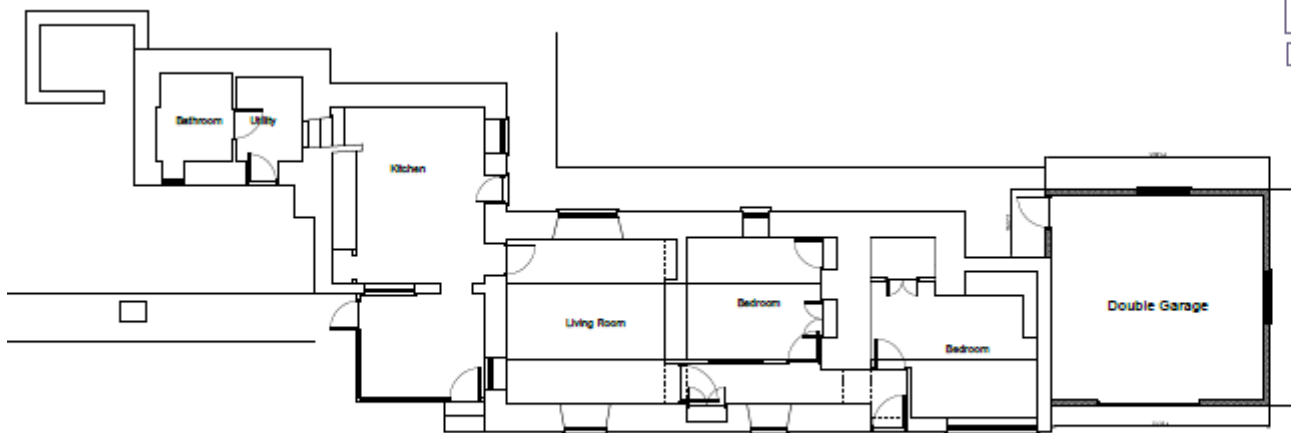
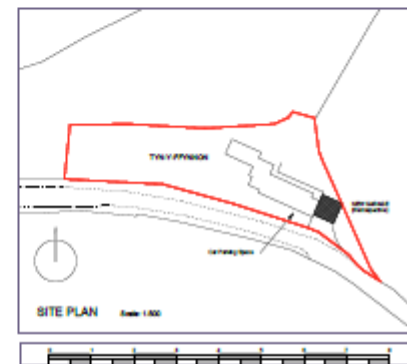
SIDE ELEVATION



REAR ELEVATION



SIDE ELEVATION



FLOOR PLAN

- EXTERNAL MATERIALS**
- Walls: White render with horizontal lines
 - Roof: Grey tiles
 - Windows: White frames
 - Doors: White frames
 - Garage: Grey panels
 - Chimney: White render
 - Path: Grey paving
 - Driveway: Grey paving
 - Other: White



Mr & Mrs A. Thomas
Proposed Double Garage (1st instance)

Type of Plan
Date
Designer
1:100
1/10
10 May 2024

T:1554 / 2

Plans



Site photographs

WARD : Tremeirchion

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

APPLICATION NO: 47/2023/0389/PC

PROPOSAL: Retrospective application for the erection of double garage side extension to dwelling

LOCATION: Tyn Y Ffynnon, Cwm, Rhyl

APPLICANT: Mr & Mrs A Thomas

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:

TREMEIRCHION, CWM AND WAEN COMMUNITY COUNCIL

“Objection on flat roof as building within area of AONB and appears unsympathetic with rest of the building.”

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

“Despite the poor design of the garage extension, which sits awkwardly on the side of the existing dwelling, provided materials match the existing the impact upon the wider AONB is not considered to be significant. Given the appearance and size of the garage in relation to the dwelling it is recommended a condition is imposed to prevent any commercial use at the premises and that it remains ancillary to the main dwelling. The Joint committee raise no objections.”

DENBIGHSHIRE COUNTY COUNCIL CONSULTEES –

Traffic, Parking and Road Safety:

Highways Officer

No objection.

RESPONSE TO PUBLICITY: None.

EXPIRY DATE OF APPLICATION: 08/09/2023

REASONS FOR DELAY IN DECISION:

- Awaiting Planning Committee referral

PLANNING ASSESSMENT:

1. THE PROPOSAL:

1.1 Summary of proposals

- 1.1.1 The application seeks retrospective consent to retain an attached garage which has been constructed at the eastern end of the bungalow. The structure has a width of

5.1 metres and a depth of 5.1 metres, with its front elevation set back from the main façade of the dwelling by 0.6 metres. The extension has a garage door to the front and a single door at the rear along with a window to one side and one to the rear, with a flat roof over up to a height of 2.7 metres. The garage has been finished with white render, as illustrated in the below photograph.



1.2 Description of site and surroundings

1.2.1 The property is a detached single-storey dwelling located outside of the development boundary and within the AONB. The property is set on sloping land which raises up from the west to the east, and has open land and woodland to the rear and both sides with open fields across the road to the south.

1.3 Relevant planning constraints/considerations

1.3.1 Visual impact on the AONB.

1.4 Relevant planning history

1.4.1 Planning consent granted in July 2021 for the erection of a pitched roof garden shed to the side of the property in a similar location to where the garage has now been constructed, albeit with a smaller footprint and detached from the dwelling.

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 47/2021/0500 - Erection of detached garden shed GRANTED 14 July 2021.

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

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: Planning for Dark Skies – SPG for lighting in the Clwydian Range and Dee Valley Area of Outstanding Natural Beauty
Supplementary Planning Guidance Note: Conservation and Enhancement of Biodiversity
Supplementary Planning Guidance Note: Parking Requirements In New Developments
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
- 4.1.3 Residential amenity
- 4.1.4 Highways (including access and parking)

- 4.1.5 Area of Outstanding Natural Beauty/Area of Outstanding Beauty
- 4.1.6 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

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.

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 have been made by the Community Council in respect of the inclusion of a flat roof over the garage which is suggested to be unsympathetic to the appearance of the original dwelling.

Whilst the garage does include a flat roof, it is not unduly prominent to the street scene given that the garage is well screened to the side and is set back from the road that itself has a steep slope which therefore further limits the range of visibility. The photograph provided earlier depicts the appearance of the garage which, whilst accepted as being of a low quality of design, is not considered to be sufficiently harmful to the visual amenity of the dwelling and surrounding area as to justify a refusal.

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.

There are no representations raising residential amenity issues.

Having regard to the scale, location and design of the proposed development which is set away from nearby occupiers, 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 Highways (including access and parking)

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

Policy ASA 3 requires adequate parking spaces for cars and bicycles in connection with development proposals, and outlines considerations to be given to factors relevant to the application of standards. These policies reflect general principles set out in Planning Policy Wales (PPW 11) and TAN 18 – Transport, in support of sustainable development.

The Parking Standards in New Developments SPG sets out the maximum parking standards for new developments.

As the scheme provides parking within the garage as well as on the driveway, the retention of the garage causes no issues in regard to highways and the confirmation of no objection made by the Highway Officer is duly noted.

4.2.5 Area of Outstanding Natural Beauty/Area of Outstanding Beauty

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.

This reflects guidance in Planning Policy Wales (PPW 11) which requires planning authorities to give great weight to conserving and enhancing the natural beauty of AONBs, and should have regard to the wildlife, cultural heritage and social and economic well-being of the areas. The special qualities of designated areas should be given weight in the development management process. Proposals in AONBs must be carefully assessed to ensure that their effects on those features which the designation is intended to protect are acceptable. The contribution that development makes to the sustainable management of the designated area must be considered.

Supplementary Planning Guidance (SPG) has been developed – ‘The Clwydian Range and Dee Valley Area of Outstanding Natural Beauty (AONB)’ along with a specific SPG for lighting in the AONB - ‘Planning for Dark Skies’. The SPG’s provide guidance and advice on design and lighting principles which should be followed to assist new development proposals in the area.

The comments made by the AONB Joint Committee are duly noted in regard to the poor design of the garage but that as long as materials are used to match the dwelling it is not considered that the wider impact on the AONB will be significant.

Given that the garage is white rendered, as illustrated earlier, it does use matching materials and on this basis a refusal based on harm to the AONB could not be substantiated given its limited views.

4.2.6 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).

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.

Future Wales – The National Plan 2040 (2021) advises that *'In all cases, action towards securing the maintenance and enhancement of biodiversity (to provide a net benefit), the resilience of ecosystems and green infrastructure assets must be demonstrated as part of development proposals through innovative, nature-based approaches to site planning and the design of the built environment'*. It is therefore recommended that these are included and form part of any planning application.

The proposal is not supported by an ecology survey however PPW states that all new developments should demonstrate a biodiversity enhancement. It is therefore considered reasonable to attach a condition to demonstrate that biodiversity enhancement will be provided at the site as a result of the development. It is therefore considered subject to a condition, that the proposals are in line with the advice contained in PPW 11 and would provide enhancement measures to increase the biodiversity net gain at the site.

Subject to the imposition of an appropriately worded condition, it is considered that the proposals are in line with the advice contained in PPW 11 and would provide enhancement measures to increase the biodiversity opportunities at the site.

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 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. T.1564/3) - Received 7 June 2023
 - ii) Existing and Proposed Site, Floor and Elevation Plans (Drawing No. T.1564/2) - Received 7 June 2023
2. Within 1 month from the date of this permission, a written scheme for biodiversity enhancement shall be submitted to the Local Planning Authority. Those details as approved in writing by the Local Planning Authority shall be implemented within 2 months of the date of approval, and shall be retained as such at all times thereafter.

The reasons for the conditions are:

1. For the avoidance of doubt and to ensure a satisfactory standard of development.
2. In order to maintain and enhance biodiversity