

43/2023/0549



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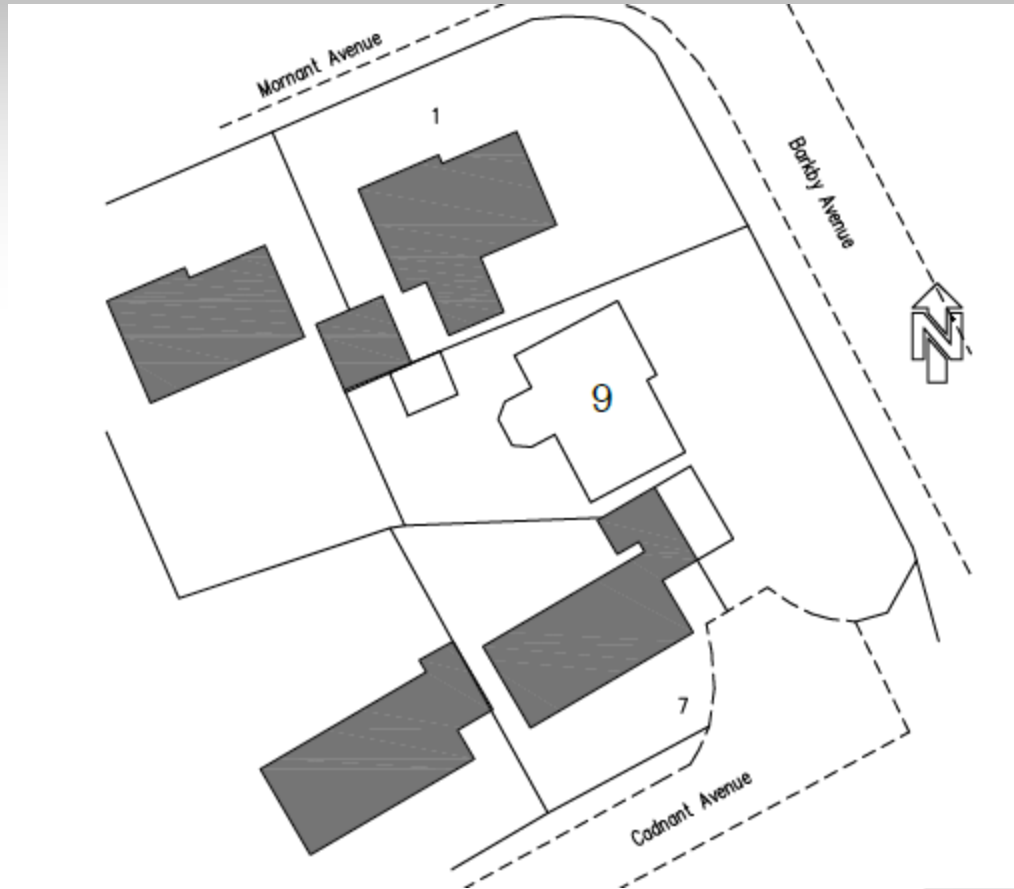
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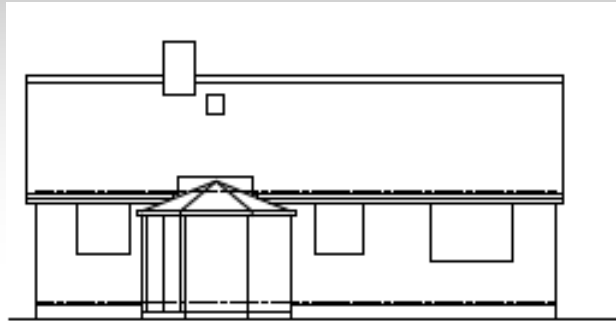
43/2023/0549

9 Cadnant Avenue, Prestatyn

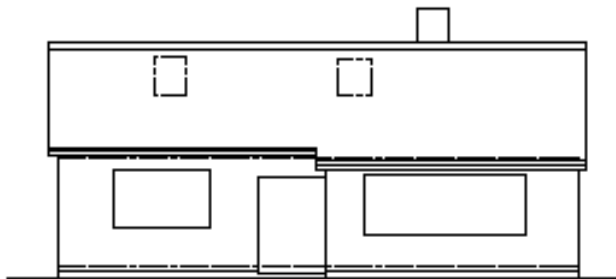
Provision of dormer roof windows to front and rear elevations and associated works



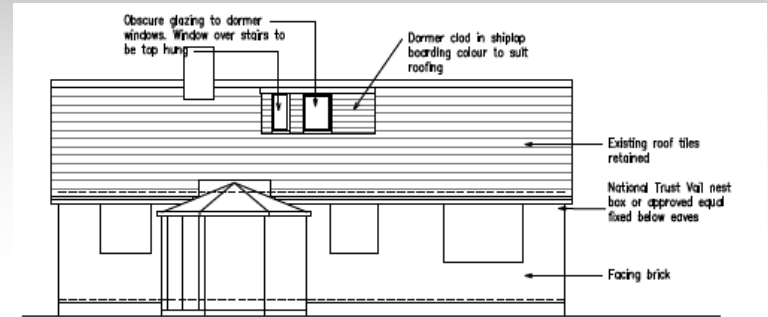
Site Plan



West elevation



East elevation



West elevation



East elevation

Existing and Proposed elevations



Front and rear of Dwelling



Rear views

WARD: Prestatyn East

WARD MEMBERS: Cllr Elen Heaton and Cllr Andrea Tomlin (c)

APPLICATION NO: 43/2023/0549/ PF

PROPOSAL: Provision of dormer roof windows to front and rear elevations and associated works

LOCATION: 9 Cadnant Avenue, Prestatyn

APPLICANT: Mr & Mrs Cooper

CONSTRAINTS: C1 Flood Zone / PROW Article 4 Direction

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 – 4 or more objections received.

CONSULTATION RESPONSES:

PRESTATYN TOWN COUNCIL

No observations.

RESPONSE TO PUBLICITY:

In objection

Representations received from:

Keith and Gay Davidsin, 5 Cadnant Avenue, Prestatyn, LL19 7HW

Ruth Eardley, 7 Cadnant Avenue, Prestatyn, LL19 7HW

Joyce E Scholes, 3 Mornant Avenue, Prestatyn, LL19 7HW

Rhona Bignall 3 Cadnant Avenue, Prestatyn, Denbighshire LL19 7HW

Summary of planning-based representations in objection:

Residential amenity- loss of privacy amenity from dormers

Character an appearance of the area.

EXPIRY DATE OF APPLICATION: 06/11/2023 EOT 17/01/2023

REASONS FOR DELAY IN DECISION (where applicable):

- awaiting consideration by Committee

PLANNING ASSESSMENT:

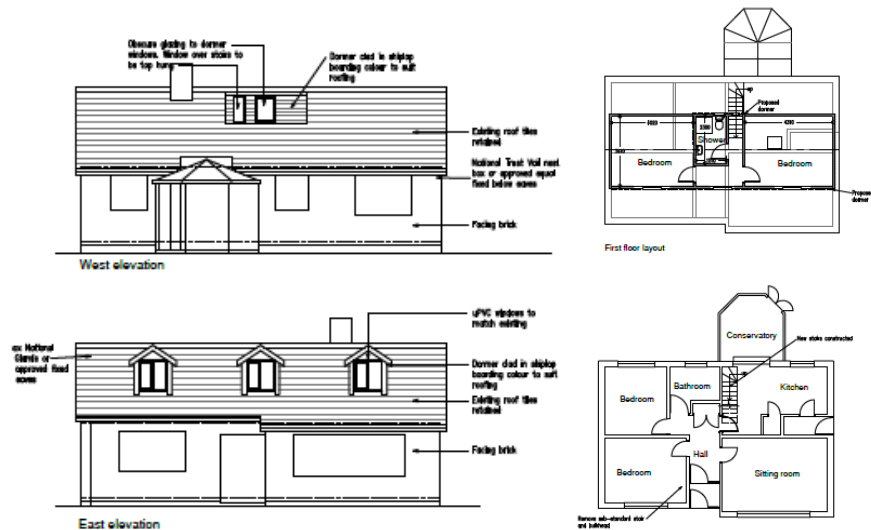
1. THE PROPOSAL:

1.1 Summary of proposals

1.1.1 The application proposes alterations at 9 Cadnant Avenue in Prestatyn.

1.1.2 Dormer windows are proposed to the front and rear of the dwelling to facilitate improvements to the first floor living accommodation in the dwelling.

See snips of proposed elevations and floor plan (not to scale) below:



1.2 Description of site and surroundings

- 1.2.1 Cadnant Avenue is a cul de sac off Pennant Grove (serving 5 dwellings) to the north of the A548 Marine Road. Barky Avenue bounds the east of Cadnant Avenue at a higher level with the open space around Prestatyn Gutter and to the golf course beyond.
- 1.2.2 No. 9 is located on the end of the cul de sac, hence the rear of the site is bounded by the rear gardens of the dwellings to both the north and south of the site.
- 1.2.3 Although there are variations in scale and form of dwellings in the wider area, no. 9 and the neighbouring dwellings are predominantly bungalows and dormer type properties. Opposite the site on Marine Road the dwellings are two storey semi's.

See photo snip * No.9 on the RHS of Photo
(photo taken from the Barkby Avenue to the west at a higher level than of the property)



See site layout snip and google earth snip noting location at the end of the cul de sac

1.3 Relevant planning constraints/considerations

1.3.1 The dwelling is located within the development boundary.

1.4 Relevant planning history

1.4.1 There is no planning history on the site.

1.5 Developments/changes since the original submission

1.5.1 The Agent was invited to amend the proposal following the initial consultation exercise and concerns raised by local residents.

1.6 Other relevant background information

1.6.1 As an alteration to the roof is proposed the application is supported by a protected species report.

2. DETAILS OF PLANNING HISTORY:

2.1 None.

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 RD1 – Sustainable development and good standard design

Policy RD3 – Extensions and alterations to existing dwellings

Policy VOE5 – Conservation of natural resources

Supplementary Planning Guidance

Supplementary Planning Guidance Note: Residential Development

Supplementary Planning Guidance Note: Residential Space Standards

Government Policy / Guidance

Planning Policy Wales Edition 11 February 2021 Chapter 6 updated October 2023

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

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. 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.

Concerns have been raised in representations relating to visual amenity issues and whether the dormer would be in character with the area.

Alterations are proposed to the bungalow to create larger first floor bedrooms and a wc in the existing roof space. The alterations comprise of a single dormer to the rear (west facing) and three individual dormers to the front (east facing). Aside from the dormers the roof height and shape would remain as existing.

There are examples of dormers windows, albeit of significantly larger scale, on dwellings in the area on the approach to the site on Pennant Grove.

Planning policy permits extensions that are subordinate to the original dwelling which the alterations comply with. SPG provides examples of best practice for dormers windows which this proposal also meets. 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.

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.

There are representations raising residential amenity issues raising concerns that the proposal would impact on the amenity of adjacent occupiers by virtue of loss of privacy and overlooking.

The proposed dormers would be sited on the rear/west and front/east roof planes. The dormer facing rear/west would have two windows which are proposed to serve the hall/ stairwell and the wc/ shower room. The dormers to the east/front serve the bedrooms facing Barkby Avenue and the golf course beyond.

The photo below was taken in the rear of no. 9, and shows views across the neighbouring occupiers rear gardens and beyond.



As can be seen above the site layout and relationship to adjacent properties is such that no. 9 abuts the rear boundaries of several properties and therefore has a view over several rear gardens as existing. Neighbours are concerned the proposal would

result in more overlooking and loss of privacy in adjacent gardens owing to the introduction of first floor windows.

The Agent aimed to address these concerns by redrawing the plans and stating that the windows in the rear dormer would be 'obscure glazed'. The window over the hall/stairwell would also be top hung rather than a casement window. Given this assurance and the fact the windows serve a hall/stairwell and a wc, not habitable room windows as described in SPG, Officers consider it would be difficult to resist the application for this reason. Conditions are suggested to ensure the retention of the obscure glazing and removing permitted development rights for additional windows.

Therefore, 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 Ecology

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) which was updated in October 2023 by the publication of an amended Chapter 6 – Distinctive and Natural Places. Section 6.4 'Biodiversity and Ecological Networks', current legislation and the Conservation and Enhancement of Biodiversity SPG 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 development should not cause any significant loss of habitats or populations of species (not including non native invasive species), locally or nationally and must work alongside nature and it must provide a net benefit for biodiversity and improve, or enable the improvement, of the resilience of ecosystems*" (Section 6.4.5).

Planning Policy Wales (PPW 11) 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 updated Chapter 6 of PPW 11 introduces policy changes relating to green infrastructure, net benefits for biodiversity and the Step-Wise Approach, protection for Sites of Special Scientific Interest (SSSI) and Trees and Woodlands.

- **Green Infrastructure**
A stronger emphasis on taking a proactive approach to green infrastructure covering cross boundary considerations, identifying key outputs of green infrastructure assessments and the submission of proportionate green infrastructure statements with planning applications.
- **Net Benefit for Biodiversity and the Step-wise Approach**
Further clarity is provided on securing net benefit for biodiversity through the application of the step-wise approach, including the acknowledgement of off-site compensation measures as a last resort, and, the need to consider

enhancement and long-term management at each step. A number of factors will affect the implementation of the step-wise approach, pre-emptive site clearance works should not be undertaken however if this does occur its biodiversity value should be deemed to have been as it was before any site investigations or clearance took place and a net benefit for biodiversity must be achieved from that point.

- *Protection for Sites of Special Scientific Interest (SSSI)*
Protection is strengthened with increased clarity on the position for site management and exemptions for minor development necessary to maintain a 'living landscape.
- *Trees and Woodlands*
A closer alignment with the stepwise approach, along with promoting new planting as part of development based on securing the right trees in the right place.

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) Policy 9 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 supported by a Bat and Bird Survey and concludes that there was no evidence of protected species on the site. Reasonable Avoidance Measures (RAMs) are recommended within the report and concludes that provided the recommended mitigation and enhancement measures are undertaken, there should be a net gain in biodiversity, no net loss of roosting or nesting sites nor any danger of harm to any species.

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.

Equality Act 2010

The Equality Act 2010 identifies a number of 'protected characteristics', namely age; disability; gender reassignment; pregnancy and maternity; race; religion or belief; sex; sexual orientation. A public authority must, in the exercise of its functions, have due regard to advancing equality.

Having due regard to advancing equality involves:

- removing or minimising disadvantages suffered by people due to their protected characteristics;
- taking steps to meet the needs of people from protected groups where these differ from the need of other people; and
- encouraging people from protected groups to participate in public life or in other activities where their participation is disproportionately low.

The above duty has been given due consideration in the determination of this application. It is considered that the proposed development does not have any significant implications for, or effect on, persons who share a protected characteristic, over and above any other person.

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 17th January 2029
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 and floor plans (Drawing No. 4150/02) received 1 August 2023
 - (ii) Proposed elevations and floor plans (Drawing No. 4150/03 Revision B) received 14 November 2023
 - (iii) Block and location plan (Drawing No. 4150/01) received 1 August 2023
 - (iv) Protected species survey (Clwydian Ecology dated 7/9/23) - Received 12 September 2023
3. The development hereby approved shall be carried out in strict accordance with the RAM's and biodiversity enhancement measures set out in Section 8 and 9 of the approved Protected Species Assessment (7th September 2023) and shall include the bat and bird boxes, such as those listed in the aforementioned Assessment in the locations shown on the approved plans.
4. 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 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
5. The first-floor windows on the rear dormer (west elevation) shall be fitted with obscure glazing and shall be top opening only. The windows shall be retained as approved at all times.

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 order to maintain and enhance biodiversity
4. In the interest of protecting residential amenity
5. For the avoidance of doubt and in the interests of protecting residential amenity