



CYNGOR  
**Sir Ddinbych**  
**Denbighshire**  
COUNTY COUNCIL

Heading:

41/2012/1390

Bryn Ffynon

Bodfari

9

Graham Boase  
Head of Planning & Public Protection  
Denbighshire County Council  
Caledfryn  
Smithfield Road  
Denbigh  
Denbighshire LL16 3RJ

Tel: 01824 706800 Fax: 01824 706709



Application Site

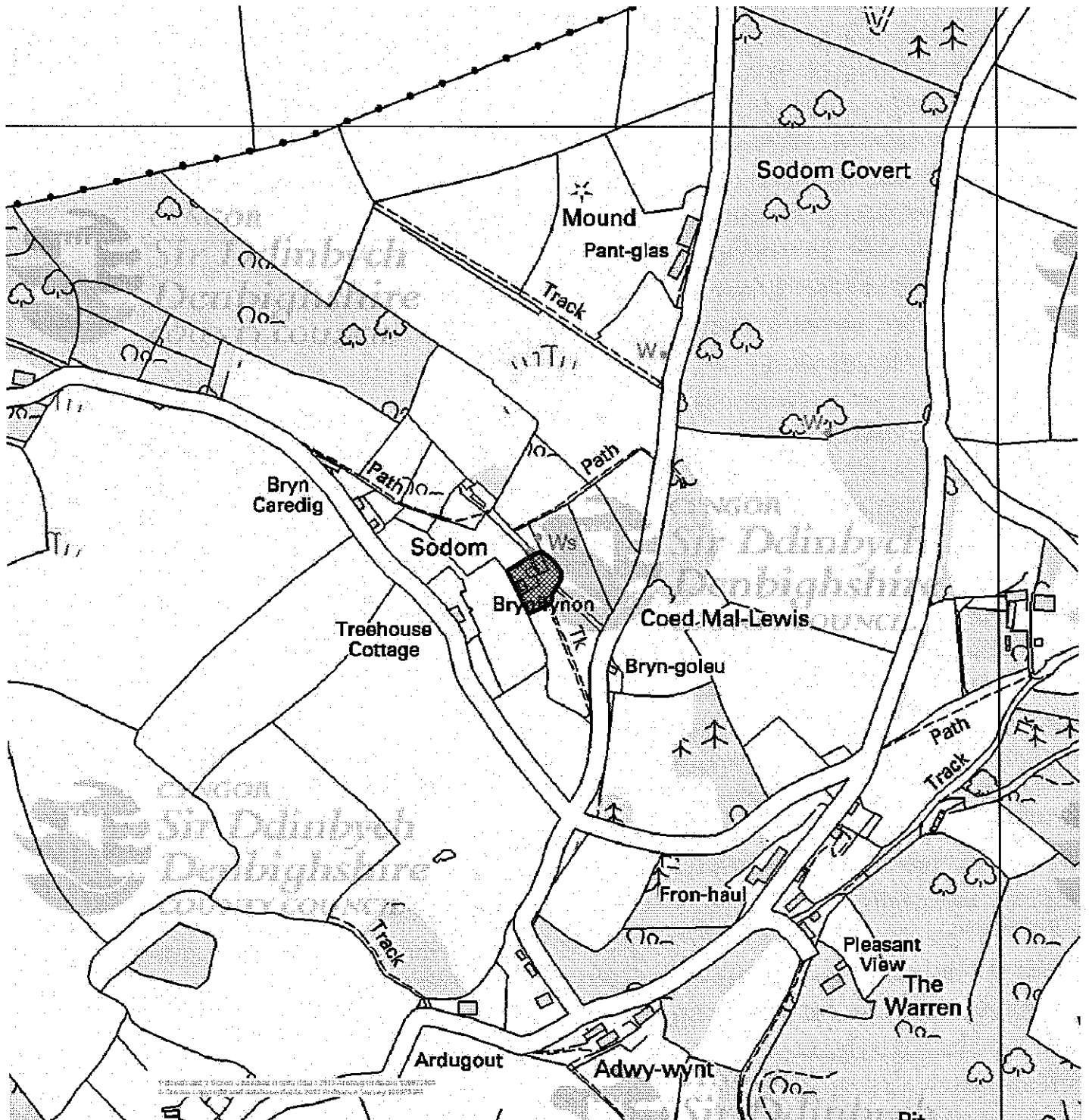


Date 3/4/2013

Scale 1/5000

Centre = 309599 E 371619 N

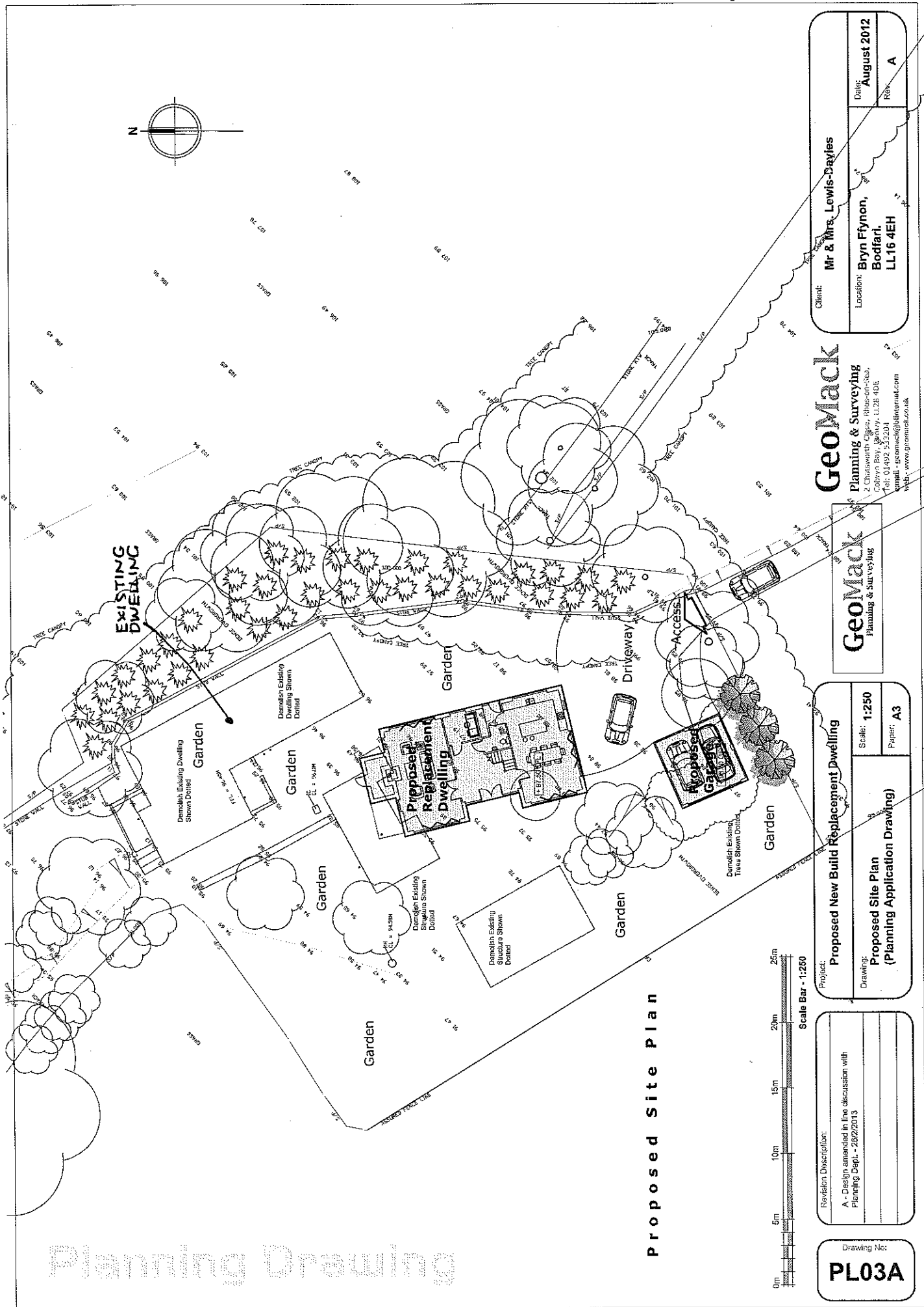
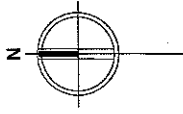
This plan is intended solely to give an indication of the LOCATION of the application site which forms the subject of the accompanying report. It does not form any part of the application documents, and should not be taken as representative of the proposals to be considered, which are available for inspection prior to the meeting.



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# SITE PLAN



Client: **Mr & Mrs. Lewis-Bayles**  
 Location: **Bryn Ffynon, Bodfari, LL16 4EH**  
 Date: **August 2012**  
 Rev: **A**

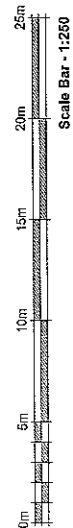
**GeoMack**  
 Planning & Surveying  
 2 Chisworth Close, Rhos-on-Sea,  
 Colwyn Bay, Gwynedd, LL28 4DE  
 Tel: 01492 553204  
 Email: [geomack@btinternet.com](mailto:geomack@btinternet.com)  
 Web: [www.geomack.co.uk](http://www.geomack.co.uk)

**GeoMack**  
 Planning & Surveying

Project: **Proposed New Build Replacement Dwelling**  
 Scale: **1:250**  
 Paper: **A3**  
 Drawing: **Proposed Site Plan (Planning Application Drawing)**

Revision Description:  
 A - Design amended in the discussion with Planning Dept. - 26/2/2013

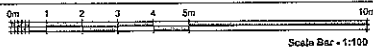
Drawing No:  
**PL03A**



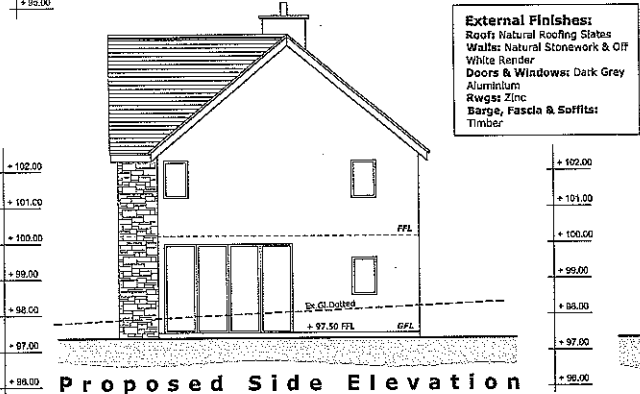
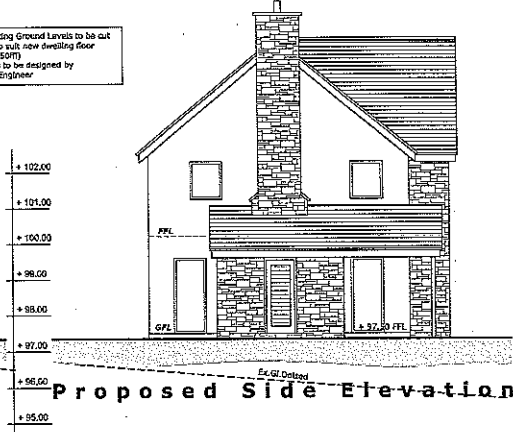
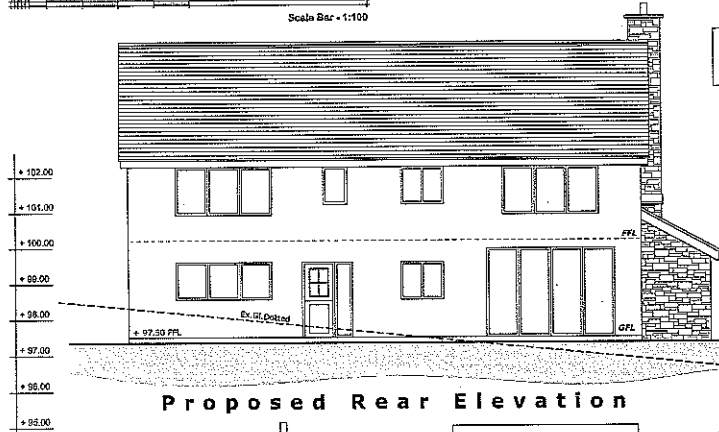
Proposed Site Plan

Planning Drawing

# PROPOSED DWELLING



Note: Existing Ground Levels to be cut and filled to suit new dwelling floor level (+97.50m). Earthworks to be designed by Structural Engineer.

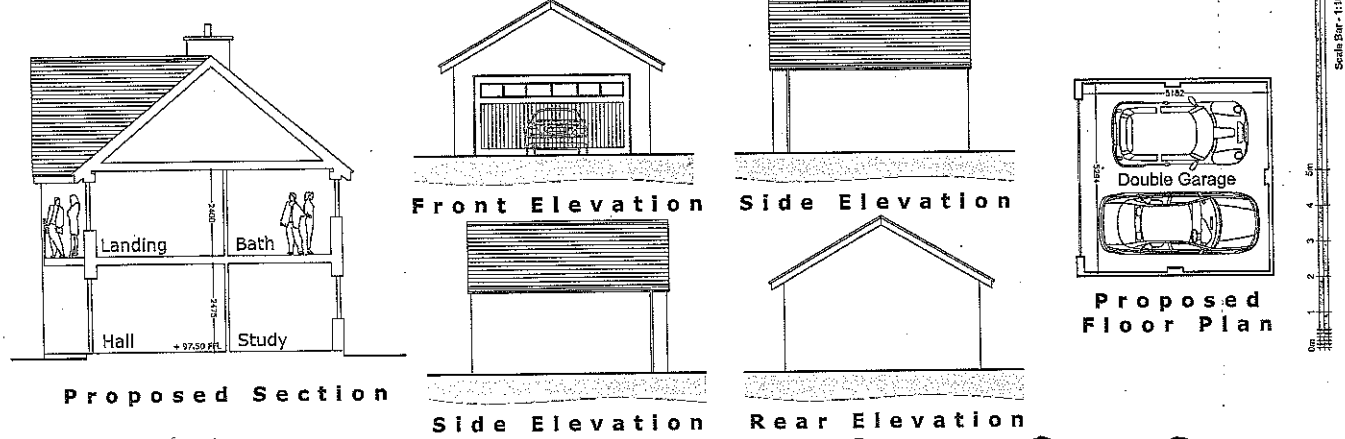


**External Finishes:**  
 Roofs: Natural Roofing Slates  
 Walls: Natural Stonework & Off White Render  
 Doors & Windows: Dark Grey Aluminium  
 Ranges: Zinc Barge, Fascia & Soffits: Timber

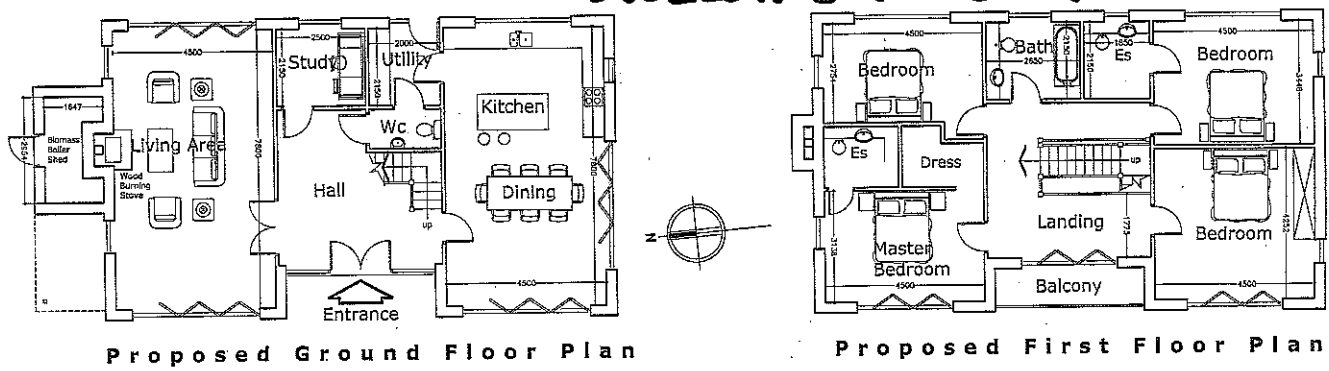


<b>PL02A</b> Drawing No.	Revision Description: A - Design amended to line discussion with Planning Dept. - 26/02/2013	Project: <b>Proposed New Build Replacement Dwelling</b>	<b>GeoMack</b> Planning & Surveying	<b>GeoMack</b> Planning & Surveying 2 Chatterworth Close, Rhoson-Sea, Colwyn Bay, Conwy, LL28 4DE Tel: 01492 523204 email: geomack@btinternet.com web: www.geomack.co.uk	Client: <b>Mr &amp; Mrs. Lewis-Davies</b>
		Drawing: <b>Proposed Elevations (Planning Application Drawing)</b>			Scale: 1:100
					Rev: <b>A</b>

# GARAGE DETAILS

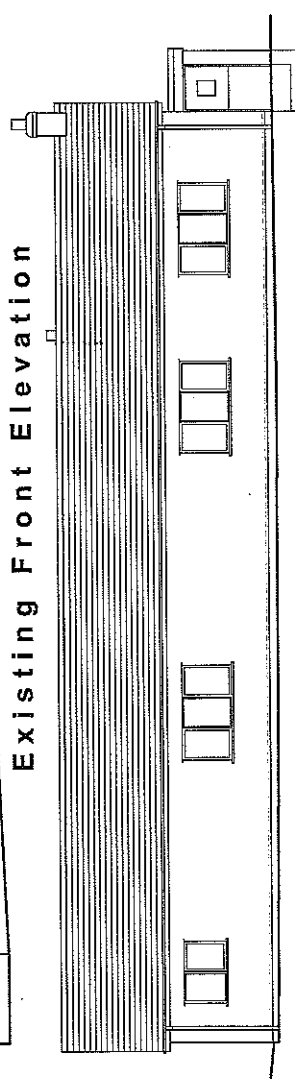
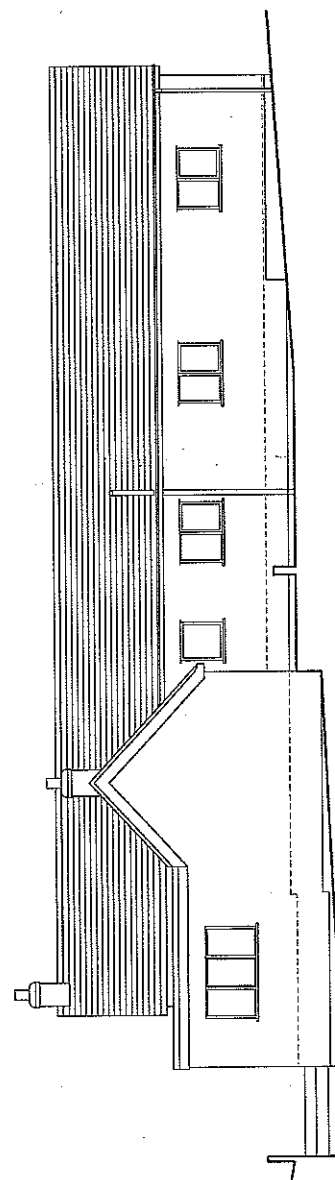
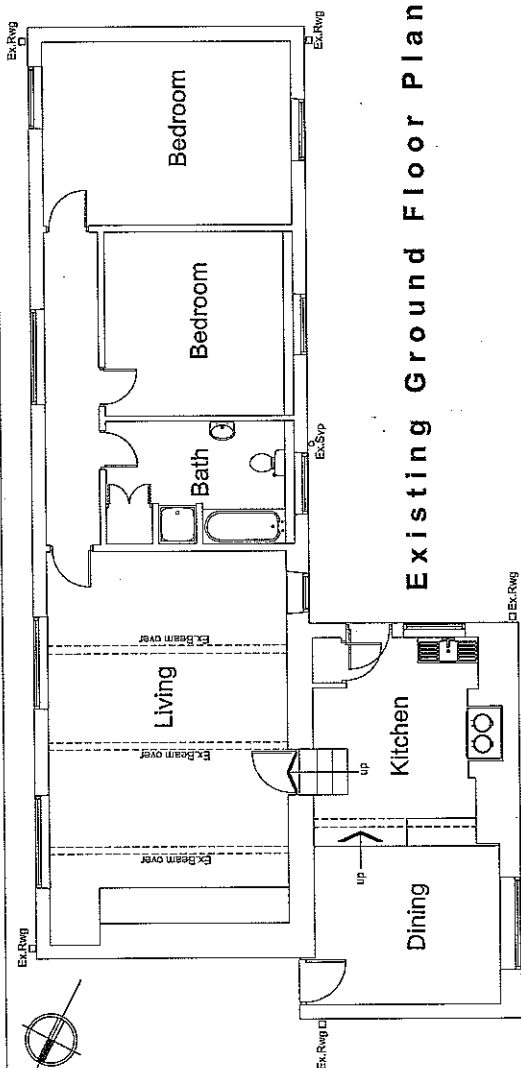
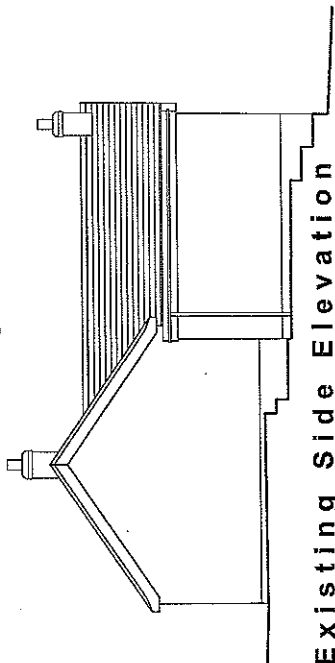
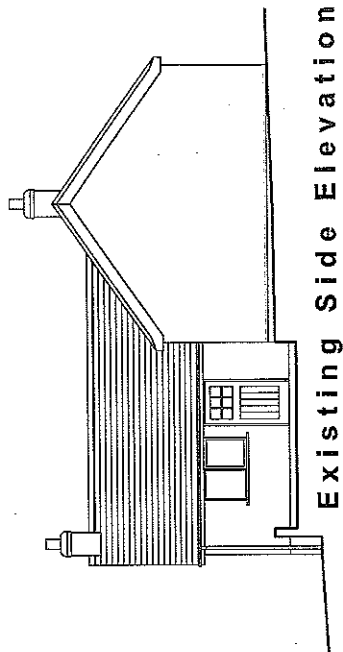
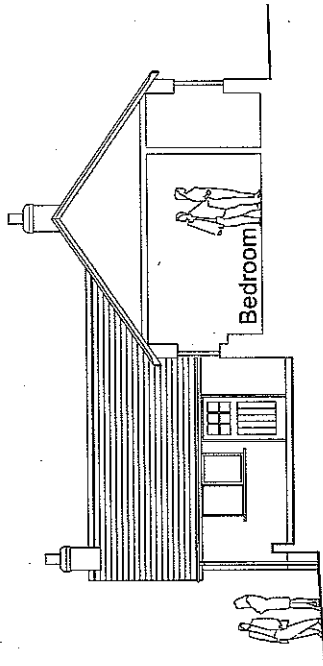
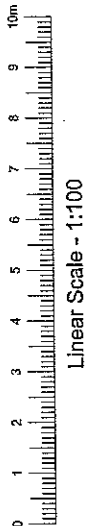


# DWELLING FLOOR PLANS



<b>PL01A</b> Drawing No.	Revision Description: A - Design amended to line discussion with Planning Dept. - 26/02/2013	Project: <b>Proposed New Build Replacement Dwelling</b>	<b>GeoMack</b> Planning & Surveying	<b>GeoMack</b> Planning & Surveying 2 Chatterworth Close, Rhoson-Sea, Colwyn Bay, Conwy, LL28 4DE Tel: 01492 523204 email: geomack@btinternet.com web: www.geomack.co.uk	Client: <b>Mr &amp; Mrs. Lewis-Davies</b>
		Drawing: <b>Proposed Floor Plans &amp; Garage (Planning Application Drawing)</b>			Scale: 1:100
					Rev: <b>A</b>

# EXISTING DWELLING



Client: Mr & Mrs. Lewis-Davies  
 Location: Bryn Flynnoh, Bodfari, LL16 4EH  
 Date: Oct. 2012  
 Rev:

**Geomack**  
 Planning & Surveying  
 2 Chatsworth Close, Rhos-on-Sea,  
 Cefnryn Bay, Conwy, LL26 1BE  
 Tel: 01492 533204  
 email - geomack@btinternet.com  
 web - www.geomack.co.uk

**Geomack**  
 Planning & Surveying

Project: Existing Survey  
 Drawing: Existing Plans, Section & Elevations (Existing Survey Drawings)  
 Scale: 1:100  
 Paper: A3

Revision Description:

Drawing No:  
**SU01**

**ITEM NO:** 9  
**WARD NO:** Tremeirchion  
**APPLICATION NO:** 41/2012/1390/ PF  
**PROPOSAL:** Demolition of existing dwelling & outhouses and erection of replacement dwelling & detached double garage  
**LOCATION:** Bryn Ffynnon Bodfari Denbigh  
**APPLICANT:** Mr & Mrs S Davies  
**CONSTRAINTS:** AONB  
**PUBLICITY UNDERTAKEN:** Site Notice - No  
 Press Notice - No  
 Neighbour letters - Yes

**REASON(S) APPLICATION REPORTED TO COMMITTEE:**  
**Scheme of Delegation Part 2**

- Recommendation to grant / approve – Town / Community Council objection

**CONSULTATION RESPONSES:**

**BODFARI COMMUNITY COUNCIL**

“The Community Council is disappointed at this retrospective application. It was noted that the applicants had already demolished part of the outbuildings – there is only the dwelling and one other wooden structure now on this site.

The Community Council object to this application as it was felt that the plans did not comply with policy HSG8 Replacement dwellings in the open countryside. The policy states that the replacement of an existing dwelling will only be permitted provided that:

(iii) the existing dwelling can not be reasonably renovated, converted or extended without major or complete reconstruction. Where appropriate a detailed independent structural engineer’s report on the condition of the dwelling will be required as evidence to support the application. The opinion of the Community Council is that it may be possible to renovate the existing dwelling. However there was no structural engineer’s report enclosed with the plans to assist with the discussions. It was noted that the property had been lived in until recently.

(iv) unless the existing dwelling is of a low standard in terms of design and appearance, the replacement dwelling should not be substantially different. The opinion of the Community Council is that the proposed dwelling is substantially different - the current dwelling is one storey and the replacement dwelling two storeys.

(v) the replacement dwelling does not have an unacceptable effect on the landscape by virtue of its siting. The plans show that the replacement dwelling would be a two storey dwelling and that it will be resited. This will mean that the dwelling would now be seen where it could not previously have been seen, and therefore impacts on the AONB.

(vi) the replacement dwelling should be located on the site of the existing dwelling. The plans show that the dwelling will be re-sited.

The Community Council recommend refusal”.

Awaiting response to re-consultation.

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

"The JAC notes that additional information has been submitted in respect of the condition of the existing property, and welcomes deletion of the proposed cedar cladding from the replacement dwelling and garage elevations. However, no substantive changes are proposed which would reduce the scale and mass of the proposed new house which the JAC considers will have a significantly greater visual impact than the existing modest single storey structure. The floor area of the new dwelling is substantially greater than that which is to be replaced, and the JAC maintains that a more acceptable solution would be a single storey replacement structure with rooms in the roof space."(AONB Management Plan Policy PCP1.)

**RESPONSE TO PUBLICITY:**

None

**EXPIRY DATE OF APPLICATION: 30/12/2012**

**REASONS FOR DELAY IN DECISION:**

- additional information required from applicant
- protracted negotiations resulting in amended plans
- re-consultations / further publicity necessary on amended plans and / or additional information
- awaiting consideration by Committee

**PLANNING ASSESSMENT:**

**1. THE PROPOSAL:**

**1.1 Summary of proposals**

1.1.1 The application seeks full planning permission for the demolition of the existing dwelling and erection of a replacement dwelling and detached double garage at Bryn Ffynnon, Bodfari.

1.1.2 The existing dwelling is a 2 bedroom single storey, 'L' shaped building with an external footprint of some 130 square metres, a concrete tiled roof and ridge height of between 4.2 metres and 5.5 metres taking into account the slope of ground levels. Its walls are clad in white painted render. The plans show a number of sheds and detached outbuildings within the curtilage, although it is understood some of these have recently been removed.

1.1.3 The proposal is to erect a 2 storey, 4 bedroom replacement dwelling slightly to the south of the existing dwelling. This would have an external ground footprint of some 118 square metres (a total floor area 230 square metres).

The dwelling would have a ridge height of 8 metres, a slate roof, and its external walls would feature natural stone and render. A separate detached garage is proposed, with an external footprint of 28 square metres.

1.1.4 The submission includes:-

- Design and Access Statement (DAS) which refers to the site context and constraints, accessibility, character, community safety and environmental sustainability.
- Information on how this proposal aims to achieve Code Level 3 of the Code for Sustainable Homes.
- Condition Report and Costing Appraisal

1.1.5 The supporting information indicates the existing dwelling is of "poor visual and design quality, much altered and changed unsympathetically", with limited natural daylight entering rooms, and dark damp conditions. It lists the generally low standard of the components of the dwelling and argues that the dwelling is unsuited to the modern habitation needs of the applicant. It supports the case for a high quality modern dwelling and contends the proposals are in accord with the Unitary Plan's policies.

## 1.2 Description of site and surroundings

- 1.2.1 The dwelling is in a relatively remote location within the open countryside to the north east of the village of Bodfari. Ground levels within the immediate area slope upwards from west to east.
- 1.2.2 Bryn Ffynnon consists of a single storey dwelling which has been poorly extended with a part pitched, part flat roof extension to the front elevation. The dwelling is located at the rear of the site in very close proximity to a steep embankment.
- 1.2.3 The site has an existing vehicular access track. Within the curtilage of the property are various garden structures with all private amenity space located to the front and side of the dwelling due to the confinements of the embankment to the rear of the dwelling.
- 1.2.4 The site is very well screened with substantial landscaping on all boundaries of the site.

## 1.3 Relevant planning constraints/considerations

- 1.3.1 The site is located in the open countryside, within the Clwydian Range Area of Outstanding Natural Beauty.

## 1.4 Relevant planning history

- 1.4.1 None

## 1.5 Developments/changes since the original submission

- 1.5.1 Additional information has been submitted in support of the application in the form of a Condition Report and Appraisal, along with revisions to the scale and design of the replacement dwelling proposed. This includes the lowering of the ridge height from 9m to 8m, a reduction in the length of the dwelling from 17m to 15.7m, and the width from 9m to 8m.

## 1.6 Other relevant background information

- 1.6.1 None

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

- 2.1 None

### 3. RELEVANT POLICIES AND GUIDANCE:

The main planning policies and guidance are considered to be:

- 3.1 DENBIGHSHIRE UNITARY DEVELOPMENT PLAN (adopted 3<sup>rd</sup> July 2002)
  - Policy GEN 3 Development Outside Development Boundaries
  - Policy GEN 6 Development Control Requirements
  - Policy HSG 8 Replacement Dwellings in the Open Countryside
  - Policy ENV 2 Development affecting the AONB/AOB
  - Policy TRA 9 Parking and Servicing Provision

### 3.2 GOVERNMENT POLICY / GUIDANCE

- Planning Policy Wales Edition 5 November 2012
- Technical Advice Notes 12: Design (2009)
- Technical Advice Notes 22: Sustainable Buildings (2010)

### 4 MAIN PLANNING CONSIDERATIONS:

4.1. The main land use planning issues are considered to be:-

- 4.1.1. Principle
- 4.1.2. Tests of replacement dwelling policy HSG 8

4.2. In relation to the main planning considerations:

#### 4.2.1. Principle

Policy GEN 3 relates to development outside development boundaries and states that development will not be permitted other than with exceptions. These exceptions include replacement dwellings.

Policy HSG 8 relates specifically to replacement dwellings. Replacement dwellings are only permitted where the following criteria can be met; it has been established that the existing dwelling has lawful use rights as a dwelling; the dwelling is not of architectural or historic merit; the existing dwelling cannot be reasonably renovated, converted or extended without major or complete reconstruction; unless the existing dwelling is of a low standard in terms of design and appearance, the replacement dwelling should not be substantially different to the existing dwelling in terms of its siting, scale, form, design and materials of the replacement dwelling; the replacement dwelling should not have an unacceptable impact on the surrounding landscape and should be located on the site of the existing dwelling.

Policy GEN 6 relates to general development control criteria, the main criteria of relevance to this proposal are i) ii) iii) and iv). These criteria relate to development respecting its site and surroundings, development not impacting upon the surrounding area, the development not impacting upon views in the open countryside and should incorporate existing landscape or other features.

Policy ENV 2 relates to development affecting the Area of Outstanding Natural Beauty with the primary objective to conserve and enhance the natural beauty of the area. Development should only be permitted where it would not detract from the character and appearance of the area.

In terms of general principle, the erection of replacement dwellings may be acceptable, but subject to the detailed tests of Policy HSG 8, which is reviewed in the following section.



#### 4.2.2. Tests of replacement dwelling Policy HSG 8

In order to assess the acceptability of the proposal, the criteria of Policy HSG 8 are addressed individually as set out below:

Test i) *The existing dwelling has lawful use rights as a dwelling*

In this case there is no doubt that the dwelling has established lawful use rights as a dwelling.

Test ii) *The dwelling is not of architectural or historic merit*

It is accepted that the existing dwelling is of no particular architectural or historic merit, and does not make any positive contribution to the surrounding countryside, given the original cottage has been significantly extended and in a mix of styles.

Test iii) *The existing dwelling cannot be reasonably renovated, converted or extended without major or complete reconstruction*

The case put forward to justify the replacement dwelling relates to the quality of the existing building and the changes required to bring it up to modern day standards. The application has been submitted with a condition report and costing appraisal.

The condition report states the following:-

- There is evidence of structural movement at one end of the building which is likely to require a scheme of underpinning
- Evidence of damp and poor damp proof course which would require installation of an injected damp proof course, also requiring removal and reinstatement of plaster internally, and render externally to a height of at least 1m above floor level
  - Evidence of fungal and insect attack of timbers
  - Poor thermal performance that would require a scheme of thermally lining the external walls
  - All floors are of a solid construction and poor with crumbling upper surfaces with no insulation and high damp readings. All floors would need to be removed
  - All external doors and windows need to be replaced
  - New heating system, electrics throughout, new kitchen and bathroom fittings

The costing appraisal lists the estimated costs of works required to renovate the property to an acceptable modern day living standard, it is stated these costs vastly exceed the end value of the property and the case is made that the renovation and reinstatement of the property would be financially unviable.

Members may appreciate in this case, the justification for a replacement dwelling is being made on the basis of the poor standard of the existing dwelling, which is claimed to be unsuited for modern habitation. With respect to the comments of the Community Council, Officers would agree that on the basis of the condition report, the existing dwelling would need extensive remodelling and renovation that would neither be cost effective or practicable within the shape of the building. In respect of this criterion, the case put forward in support of the application is considered to be acceptable and a reasonable approach to adopt in considering requests for

replacement dwellings.

Test iv) *Unless the existing dwelling is of a low standard in terms of design and appearance, the replacement dwelling should not be substantially different to the existing dwelling in terms of its siting, scale, form, design and materials of the replacement dwelling*

In Officers' opinion, this is the key test in relation to the acceptability of the application, given the respective detailing of the existing dwelling and the proposed replacement.

The submission argues the alterations to the dwelling have removed any character it may once have had, and that it makes no positive contribution to the AONB character and landscape, and is of a low standard in terms of design and appearance. It suggests the detailing is wholly appropriate in respect of siting, scale, design and materials and test iv is complied with.

There are objections here from the Community Council and AONB Sub Committee on the basis of the design and appearance of the replacement dwelling being substantially different; changing from single to 2 storey, with a corresponding increase in scale, mass and floorspace. The AONB Committee suggest a more acceptable solution would be a single storey replacement with rooms in the roofspace.

In order to address concerns over the scale of the dwelling, Officers have sought to engage in dialogue with the applicant/agent, and whilst this has resulted in some revisions to the plans (reducing the height and dimensions of the replacement dwelling), the plans still show a substantial 2 storey unit of significantly different scale and form to what is currently a modest single storey unit – a contrast which can be discerned from the plans at the front of the report.

Factually, as noted previously, the footprint of the existing dwelling (measured externally) is some 130 square metres, and that of the proposed dwelling is under 120 square metres, however, as the proposed dwelling is of 2 storey height, this increases the floor area (measured externally) to some 230 square metres, and represents an approximate increase in floor area of 77%. The ridge height increases from a maximum of 5.5m to 8m.

Ultimately, Officers are obliged to offer advice to Members on the basis of planning policy, and whilst empathising with the concerns of the Community Council and AONB Committee, it is not considered that the wording of test iv of HSG 8 provides a strong basis for a refusal of permission in this instance, as it effectively states a replacement should not be substantially different to the existing in terms of siting, scale, form, design and materials unless (Officers emphasis) the existing dwelling is of a low standard in terms of design and appearance. In this case, Officers would genuinely find it difficult to argue that the existing dwelling is not of a poor overall standard in terms of design and appearance, given it is an amalgam of a small original structure and unsympathetic additions, built with solid (not cavity) walls under a modern tiled roof, with a poor internal layout, poor aspect, and generally poor condition with evidence of damp penetration. On this basis, Officers' opinion is that the policy does not presume against the erection of a replacement of different detailing

such as that proposed.

Test v) *The replacement dwelling should not have an unacceptable impact on the surrounding landscape*

In terms of the impact on the landscape, the site is very well screened and by existing tree cover with public viewpoints into the site being very limited. The site is located well away from any public road with a public footpath approx 40m to the north. The site does not stand on the skyline and would be viewed in the context of rising land and screening behind it.

The scale of the proposed dwelling is greater than the existing dwelling, however due to the siting of the dwelling within a significantly rising landform with substantial screening on all boundaries, it is not considered that the dwelling would have a significantly greater visual impact than the existing dwelling, or that there would be any unacceptable impact on the surrounding landscape or on the character and appearance of the AONB.

Test vi) *The replacement dwelling should be located on the site of the existing dwelling.*

The proposal is not located on the exact footprint of the existing dwelling, but the justification provided for the re-siting relates to the close proximity of the embankment and trees to the rear of the existing dwelling. The revised siting, further south and centrally within the site would allow the dwelling to gain more natural daylight and avoid the need to remove trees. The siting is considered acceptable.

#### 4.3. Other matters

With reference to the Community Council's comment on the 'retrospective' nature of the application, demolition of outbuildings within the curtilage of the dwelling is not 'development' requiring planning permission, and can be undertaken regardless of the decision on the application.

### 5 **SUMMARY AND CONCLUSIONS:**

- 5.1 Whilst the scale of the proposed replacement dwelling differs from the existing dwelling, the positive factors must be balanced against the potential negative impacts. The replacement of an existing poor quality and unkempt dwelling, with a better quality home which would achieve Code Level 3 of Code for Sustainable Homes and result in an overall high quality re-development of the site, is considered to outweigh the concerns over the scale of the replacement dwelling. Due to the rising landform and substantial screening, the site is very well hidden with view points being very limited as therefore not considered to cause any harm to landscape character of the AONB.

**RECOMMENDATION: - GRANT** subject to the following conditions:-

1. The development hereby permitted shall be begun before the expiration of five years from the date of this permission.
2. **PRE-COMMENCEMENT CONDITION**  
No development shall take place until there has been submitted to, and approved in writing by, the Local Planning Authority, a detailed scheme of hard and soft landscaping for the site, and such scheme shall include

details of:

- (a) all existing trees, hedgerows and other vegetation on the land, details of any to be retained, and measures for their protection in the course of development.
- (b) proposed new trees, hedgerows, shrubs or vegetation, including confirmation of species, numbers, and location and the proposed timing of the planting;
- (c) proposed materials to be used on the driveway(s), paths and other hard surfaced areas;
- (d) proposed earthworks, grading and mounding of land and changes in levels, final contours and the relationship of proposed mounding to existing vegetation and surrounding landform;
- (e) Proposed positions, design, materials and type of boundary treatment.

### 3. PRE-COMMENCEMENT CONDITION

No works to any building on the site, including demolition, shall be carried out until such time as the affected buildings have been surveyed for the presence of bats and birds. The results of any such necessary surveys together with reasonable avoidance measures to deal with any presence of bats and birds shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of such works.

4. All planting, seeding, turfing, fencing, walling or other treatment comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the completion of the development and any trees or plants which, within a period of five years of the development, die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

5. None of the trees or hedgerows shown on the approved plans as being retained shall be felled, lopped or topped without the prior written consent of the Local Planning Authority. Any trees or hedgerow plants which die or are severely damaged or become seriously diseased within five years of the completion of the development shall be replaced with trees or hedgerow plants of such size and species to be agreed in writing with the Local Planning Authority.

6. The materials to be used on the roof of the building(s) shall be blue/grey natural mineral slate of uniform colour and texture.

7. The new dwelling hereby permitted shall be constructed to achieve a minimum Code for Sustainable Homes Level 3 and achieve a minimum of 1 credit under category 'Ene1 - Dwelling Emission Rate' in accordance with the requirements of the Code for Sustainable Homes: Technical Guide November 2010. The development shall be carried out entirely in accordance with the approved assessment and certification.

8. Construction of the new dwelling hereby permitted shall not begin until an 'Interim Certificate' has been submitted to the Local Planning Authority, certifying that a minimum Code for Sustainable Homes Level 3 and a minimum of 1 credit under 'Ene1 - Dwelling Emission Rate', has been achieved for that individual dwelling or house type in accordance with the requirements of the Code for Sustainable Homes: Technical Guide November 2010.

9. Prior to the occupation of the new dwelling hereby permitted, a Code for Sustainable Homes 'Final Certificate' shall be submitted to the Local Planning Authority certifying that a minimum Code for Sustainable Homes Level 3 and a minimum of 1 credit under 'Ene1 - Dwelling Emission Rate', has been achieved for that dwelling in accordance with the requirements of the Code for Sustainable Homes: Technical Guide November 2010.

10. Facilities shall be provided and retained within the site for the parking and turning of vehicles in accordance with the approved plan and which shall be completed prior to the proposed development being brought into use.

The reason(s) for the condition(s) is(are):-

1. To comply with the provisions of Section 91 of the Town and Country Planning Act 1990.
2. To ensure in the interests of visual amenity a satisfactory standard of landscaping in conjunction with the development.
3. In the interests of any protected species on the site.
4. To ensure a satisfactory standard of development, in the interests of visual amenity.
5. To safeguard the existing trees and hedges on the site, in the interests of the visual amenities of the locality.
6. In the interests of visual amenity.
7. To comply with the provisions of TAN 22: Planning for Sustainable Buildings.
8. To comply with the provisions of TAN 22: Planning for Sustainable Buildings.
9. To comply with the provisions of TAN 22: Planning for Sustainable Buildings.
10. To provide for the parking and turning of vehicles clear of the highway and to ensure that reversing by vehicles into or from the highway is rendered unnecessary in the interest of traffic safety.

**NOTES TO APPLICANT:**

None