



Heading:

42/2012/1638

Mount House

Dyserth

10

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

 Application Site

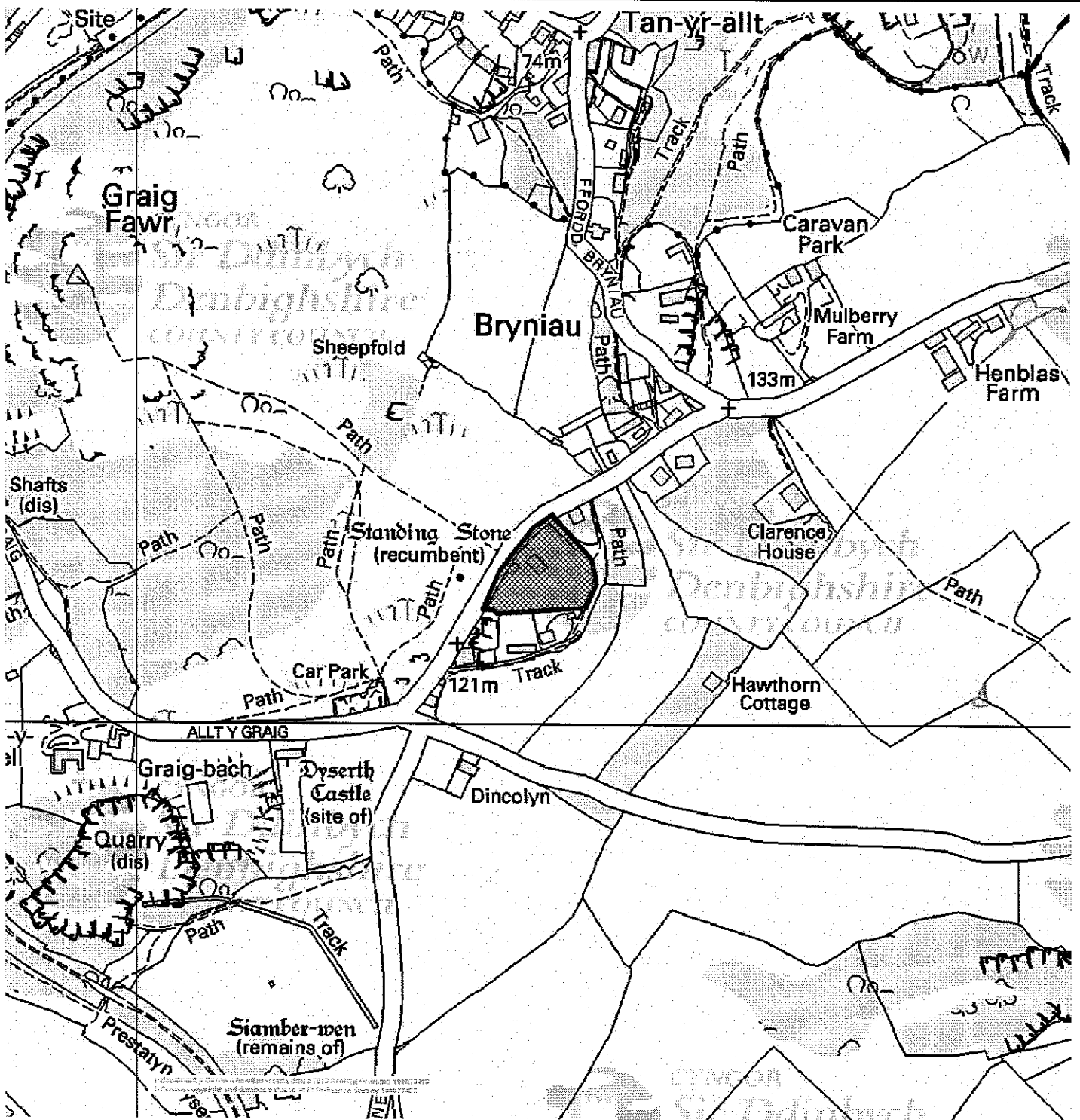


Date 3/4/2013

Scale 1/5000

Centre = 306353 E 380139 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.

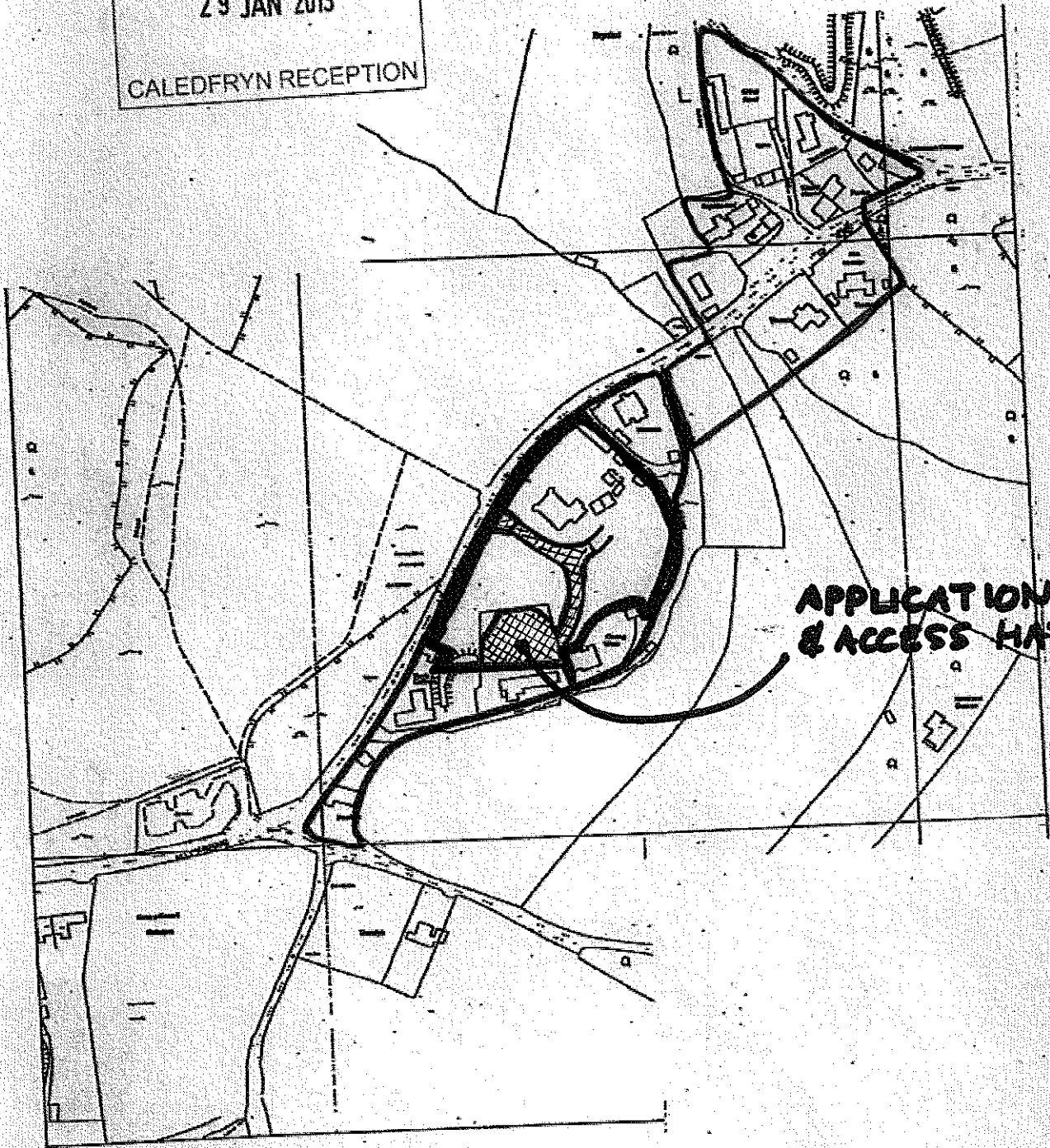


BLOCK PLAN

OUTLINE APPLICATION FOR THE
ERECTION OF DWELLING
ON LAND ADJOINING MOUNT HOUSE,
BRYNAN, DYSEATH.

RECEIVED
29 JAN 2013
CALEDFRYN RECEPTION

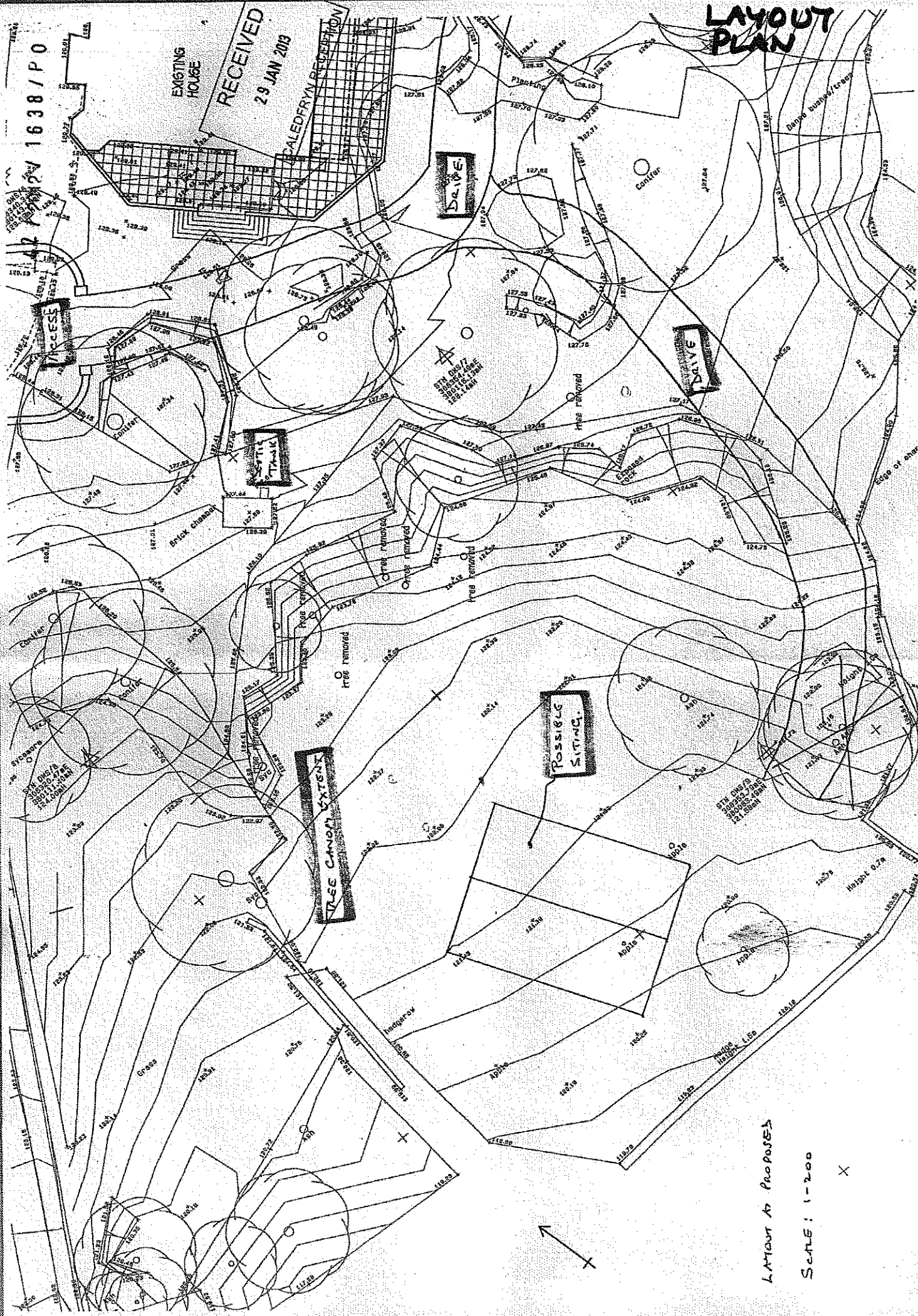
42 / 2012 / 1638 / P 0



APPLICATION SITE
& ACCESS HATCHED

BLOCK PLAN:

SCALE: 1-2500



LAYOUT PLAN

129 1638 / P O

RECEIVED
29 JAN 2013

DRIVE

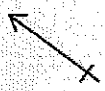
DRIVE

TREE CANOPY EXTENSION

POSSIBLE SITING

LAYOUT AS PROPOSED

SCALE: 1:200



ITEM NO: 10
WARD NO: Dyserth
APPLICATION NO: 42/2012/1638/ PO
PROPOSAL: Development of 0.1 hectares of land by the erection of one dwelling (outline application including access)
LOCATION: Land at (part garden of) Mount House Dyserth Rhyl
APPLICANT: Mr & Mrs P Parry
CONSTRAINTS: PD Removed
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:

CITY OF ST ASAPH TOWN COUNCIL
"No objection."

CLWYDIAN RANGE AND DEE VALLEY AREA OF OUTSTANDING NATURAL
BEAUTY

JOINT ADVISORY COMMITTEE

"This elevated site forms part of the undeveloped rural scene in this part of the AONB and, although partially screened by existing tree cover, the new dwelling will be seen from a number of vantage points, including the surrounding local highway network and the adjacent Graig Fawr National Trust Open Access Land.

The JAC considers that development would result in a further loss of the rural character and appearance of the locality, and notes that no case is made for special agricultural or other rural business need for a new dwelling in this location which would justify an exception to strict policies controlling non-essential development in the open countryside. In addition, the JAC does not consider this to be an 'infill' site where the development would fill a small gap in a continuously developed frontage. The grounds of Mount House are quite extensive, and the JAC also has concerns about a precedent being set for further development of the site should permission be granted in this case.

The committee also notes that the trees in the grounds of Mount House are a significant feature in the local landscape and, in the light of this application to develop part of the site, is concerned about the potential loss of trees and would recommend that the planning authority should consider making a TPO in this case." (AONB Management Plan Policies: PSQ1 and PCP2)."

DENBIGHSHIRE COUNTY COUNCIL CONSULTEES –
Head of Transport and Infrastructure

- Highways Officer: No objection subject to condition regarding parking and turning facilities.

RESPONSE TO PUBLICITY:

In objection

Representations received from:

May Thorburn, The Hollies, Bryniau
J T Tibbells, Clarence House, Bryniau
Mr A & Mrs A Job, Carreg Wen, Bryniau
J Thorburn, Portico, Bryniau
Dr J & Mrs J Walters, The Bungalow

Summary of planning based representations in objection:

Visual/landscape impact

Impact on AONB

Residential amenity

Impact on privacy of nearby properties/noise and disturbance/too close to adjacent property.

Policy conflict

Open countryside/not infill/precedent

EXPIRY DATE OF APPLICATION: 25/03/2013

REASONS FOR DELAY IN DECISION (where applicable):

- awaiting consideration by Committee

PLANNING ASSESSMENT:

1. THE PROPOSAL:

1.1 Summary of proposals

- 1.1.1 This outline application seeks consent for the erection of one detached dwelling on a site of just under 0.1 hectares with only the means of access included for consideration and all other matters reserved for further approval.
- 1.1.2 The access is shown as being taken off the existing driveway for Mount House via a gated entrance and the creation of a spur leading south off the internal drive to serve the area of the new dwelling.
- 1.1.3 An indicative layout plan shows the siting of the footprint of a dwelling around 5.5 metres off the southern boundary with the dwelling having a footprint of 13 metres by 10 metres. See the plans at the front of the report.
- 1.1.4 The agent for the scheme has submitted a supporting statement which argues that the proposal is acceptable as the site lies within a group of six dwellings and as such it complies with Policy HSG 5. The statement also considers that the scheme is in line with SPG 10 and Policy GEN 6 although no reference is made to the policies relating to the AONB.

1.2 Description of site and surroundings

- 1.2.1 The site involves land in a scattering of dwellings in open countryside, south east of a minor road between Dyserth and Meliden.

- 1.2.2 The site lies adjacent to the southern boundary of the property Mount House, and is set on a slope down from north to south and adjacent to the residential properties standing on the track to the south, namely The Bungalow, Carreg Wen and Rock Cottage.
 - 1.2.3 The southern boundary is formed by some tree planting along with a stone wall of between 1 metre and 2 metres high.
 - 1.2.4 Other than the three dwellings on the track, the nearest properties are Mount House to the north which lies around 50 metres from the indicative siting of the proposed house, and Maenan beyond to the north.
 - 1.2.5 The site on which the house is proposed is a small plateau on otherwise sloping land. The area on the opposite side of the road is under Graig Fawr (a designated site of conservation value) which is an area of open land under the ownership of the National Trust that is elevated in parts and affords a view of the application site.
- 1.3 Relevant planning constraints/considerations
 - 1.3.1 The site lies outside of the defined settlements of Dyserth and Meliden, and is in open countryside, within the AONB.
 - 1.4 Relevant planning history
 - 1.4.1 The site has been subject to a number of previous applications for alterations to the main house and outbuildings, but there have not been any previous proposals for the erection of a new dwelling.
 - 1.5 Developments/changes since the original submission
 - 1.5.1 None.
 - 1.6 Other relevant background information
 - 1.6.1 The application has been referred to Committee for consideration, by Councillor Peter Owen.

2. DETAILS OF PLANNING HISTORY:

- 2.1 None of relevance.

3. RELEVANT POLICIES AND GUIDANCE:

- The main planning policies and guidance are considered to be:
- 3.1 DENBIGHSHIRE UNITARY DEVELOPMENT PLAN (adopted 3rd July 2002)
 - Policy GEN 3 Development outside development boundaries
 - Policy GEN 4 Scattered development outside development boundaries
 - Policy GEN 6 Development control considerations
 - Policy ENV 2 Development affecting the AONB / AOB
 - Policy ENV 4 International / National sites of nature conservation value
 - Policy HSG 5 Groups of houses in the open countryside
 - Policy HSG 6 – New dwellings in the Open Countryside
 - 3.2 Supplementary Planning Guidance
 - SPG 10 Infill housing in the countryside
 - SPG 25 Residential development design guide
 - 3.3 GOVERNMENT POLICY / GUIDANCE
 - Planning Policy Wales Edition 5 November 2012

4. MAIN PLANNING CONSIDERATIONS:

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

- 4.1.2 Impact on the AONB and Graig Fawr
- 4.1.3 Residential amenity
- 4.1.4 Highways impact

4.2 In relation to the main planning considerations:

4.2.1 Principle

The site is located outside of any village development boundaries in the Unitary Plan. In the open countryside, Policy GEN 3 does not allow for new residential development unless it is for one or two housing units within a clearly identifiable group of dwellings as defined more closely by Policy HSG 5. Policy GEN 4 does not allow for development which will lead to isolated development or the consolidation of sporadic, scattered or loosely related development in the countryside. In terms of principle therefore, the scheme needs to satisfy the requirements of Policy HSG 5 and SPG 10.

Policy HSG 5 states that infill development may only be permitted where a proposal: (i) Comprises the infilling of a small gap between buildings within a continuously developed frontage; (ii) Does not result in ribbon development; and (iii) is of a comparable scale and size to adjacent dwellings and is sited to respect the locality. The explanation to Policy HSG 5 and the guidance in SPG 10 states that in order to meet the requirements of the policy a group of houses must: (i) form a continuous line of built up residential frontage; (ii) not be interspersed by fields; and (iii) contain 6 or more dwellings. Further guidance is given in the policy and the SPG that an 'infill plot' is classified as: (i) a small gap capable of accommodating one dwelling unit; (ii) the filling of a small gap of comparable scale, character and size to surrounding properties; and (iii) a small gap between a continuous line of built up frontages.

The current gap along the road between the southern elevation of Mount House and the northern elevation of Rock Cottage measures around 90 metres. The width of the proposed 'infill site' is around 20 metres along its edge closest to the road which means that the site cannot be classed as an infill plot as it is clearly capable of accommodating in excess of one unit and is not infilling a small gap. Furthermore, the 90 metres separation between Mount House and the three properties to the south means that they cannot be classed as a 'group' and in any event the number of properties in the area is only five which is less than required by Policy HSG 5 and SPG 10 to be considered as a 'group'.

The application is therefore considered contrary to Policy HSG 5 and SPG 10 and is not infill development in accord with the Unitary Plan and related guidance. No case is being made here for a dwelling for an agricultural worker, so the proposals are also contrary to the terms of Policy HSG 6 relating to new dwellings in open countryside.

4.2.2 Impact on the AONB and Graig Fawr

Policy ENV 2 states that development affecting the AONB must conserve and enhance the natural beauty of the area and small scale development will not be permitted where it detracts from the AONB.

The comments of the JAC set out earlier in this report are considered to be significant in that the site can be seen from a number of public vantage points and the development would result in a further loss of the rural character and appearance of the locality.

The scheme is considered to be contrary to Policy ENV 2 of the Unitary Plan.

4.2.3 Residential amenity

Policy GEN 6 requires consideration of the impact of development on the amenities of occupiers of nearby property.

Given the close proximity of the dwellings to the south of the application site and the difference in land levels, it is considered that the siting of a dwelling as proposed (although indicative) would cause harm to the privacy and amenity of adjacent occupiers by way of an overbearing impact and overlooking. The scheme is therefore considered contrary to criterion v) of Policy GEN 6.

4.2.4 Highways impact

Policy TRA 6 obliges consideration of the impact of new development on traffic flows.

It is noted that the Highway Officer has not raised any objection to the intensified use of the existing access for Mount House and it is not considered that a highway reason for refusal can be justified in this respect.

5. SUMMARY AND CONCLUSIONS:

- 5.1 The application is for a new dwelling in the open countryside, on a plot which is not an infill plot and does not lie within a group of six dwellings. The new dwelling would be harmful to the AONB and Graig Fawr, and would adversely affect the amenity and privacy of the adjacent occupiers.

RECOMMENDATION: - REFUSE for the following reasons:-

1. The site lies within the open countryside outside of any village development boundary, and does not constitute an infill development within a group of houses, such a proposal being contrary to Policy GEN 3, Policy GEN 4, Criterion ii) of Policy GEN 6, Policy HSG 6 and Policy HSG 5 of the adopted Denbighshire Unitary Development Plan, and the Council's adopted Supplementary Planning Guidance 10 'Infill Housing in the Countryside'.
2. The development of a residential property on the site would be harmful to the openness and character of the AONB and the setting of Graig Fawr a site of nature conservation value, and the proposal is considered contrary to Criterion ii) of Policy GEN 6, Policy ENV 2 of the adopted Denbighshire Unitary Development Plan.
3. The development would result in an unacceptable loss of privacy and amenity for the occupiers of the three dwellings to the south of the application site, contrary to Criteria i) and v) of policy GEN 6 of the adopted Denbighshire Unitary Development Plan.

NOTES TO APPLICANT:

None