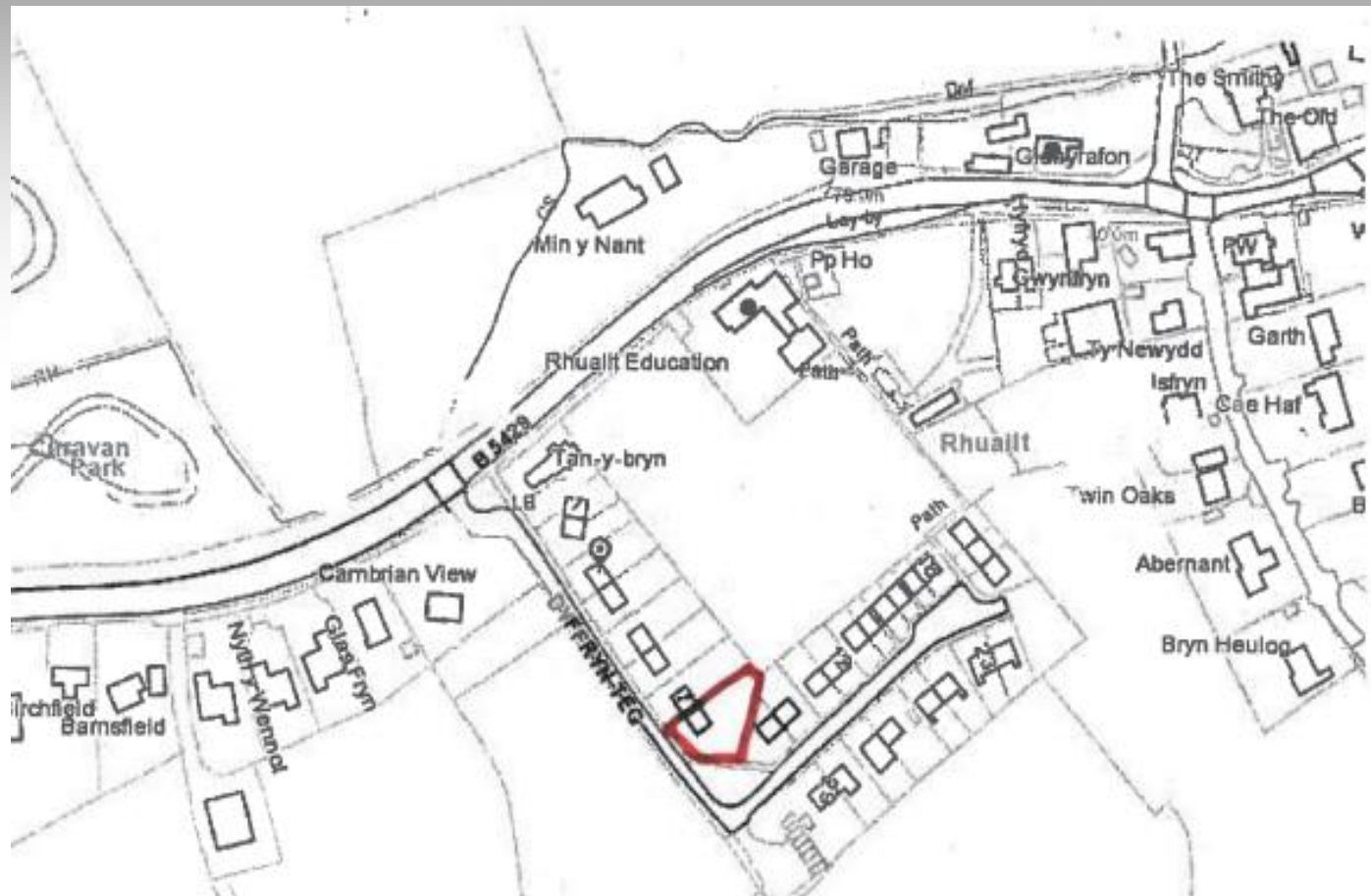


47/2024/1385/HH

**Erection of dormer windows to front and rear to
provide additional living accommodation within the
roof space (resubmission)**

8, Dyffryn Teg, Rhualt



Location plan



Existing Elevations



Proposed Elevations



Front Elevation



Rear Elevation

Site Photographs



Officer - Sarah Stubbs

Ward - Tremeirchion, Cwm & Waen

Ward Member(S) - Councillor Robert Chris Evans (C)

Application Number - 47/2024/1385/HH

Proposal - Erection of dormer windows to front and rear to provide additional living accommodation within the roof space (resubmission)

Location - 8 Dyffryn Teg, Rhualt, St Asaph, Denbighshire, LL17 0TA

Applicant - Mr Chris Evans

Constraints

Denbighshire Electoral Divisions	Tremeirchion
City Town and Community Councils	Tremeirchion Community
Local Development Plan	Development Boundary

PUBLICITY UNDERTAKEN:

Site Notice - f -

Press Notice - f

Neighbour letters - 5

REASON(S) APPLICATION REPORTED TO COMMITTEE:

Scheme of Delegation Part 2

- Application submitted by a County Councillor

CONSULTATION RESPONSES:

TREMEIRCHION/CWM/WAEN COMMUNITY COUNCIL:

"No objections"

DENBIGHSHIRE COUNTY COUNCIL CONSULTEES –

Ecology Officer:

No objections subject to the inclusion of planning conditions

RESPONSE TO PUBLICITY:

None

EXPIRY DATE OF APPLICATION: 14/05/2025

REASONS FOR DELAY IN DECISION: N/A

PLANNING ASSESSMENT:

1. THE PROPOSAL:

- 1.1 Summary of proposals
- 1.1.1 Full planning permission is sought for the erection of dormer windows to front and rear to provide additional living accommodation within the roof space at 8, Dyffryn Teg in Rhualt.
- 1.1.2 The proposal seeks to alter the roof of the property by erecting a small dormer on the front elevation with a lean to roof, and a larger flat roof dormer on the rear elevation in order to provide additional living accommodation within the roof space in the form of an additional bedroom with en-suite and storage space.
- 1.1.3 All external materials would match those on the existing dwelling.
- 1.2 Other relevant information/supporting documents in the application
- 1.2.1 A Bat and Nesting Bird Assessment and Green Infrastructure Statement have been submitted in support of the application.
- 1.3 Description of site and surroundings

1.3.1 The application site is a semi-detached house fronting Dyffryn Teg in Rhualt. The dwelling is located in a small residential estate at the end of a row of properties as the road curves, so the property occupies a corner plot. The property is set back from the corner with a grassed area to the side adjacent to the highway with mature trees on it.

1.3.2 The dwelling has been extended previously and a detached double garage has been built to the side. Off street parking is available to the front of the property with private amenity space to the side and rear.

1.3.3 The property is pebbledashed with a tiled roof.

1.4 Relevant planning constraints/considerations

1.4.1 The property is located within the development boundary of Rhualt.

1.5 Relevant planning history

1.5.1 Householder permissions were granted in 1986 and 1995 for an extension and detached garage. In 2016 permission was granted for a front and rear (pitched roof gable) dormer which wasn't implemented, and in 2023 permission was refused for a front and rear dormer, hence the current description refers to 'resubmission'.

1.6 Developments/changes since the original submission

1.6.1 Additional ecology information has been submitted in response to the Ecologist's initial response.

1.7 Other relevant background information

1.7.1 None

2. DETAILS OF PLANNING HISTORY:

2.1 2/TRE/134/86 Extension to incorporate kitchen, shower room and porch. Granted 3rd June, 1986.

2/TRE/0345/95/P Detached double garage. Granted 14th December, 1995.

47/2016/0731/PF Alterations and extensions to roof of dwelling to provide accommodation within the roof space. Granted 1st September, 2016.

47/2023/0483/PF Erection of dormer windows to front and rear to provide additional living accommodation within the roof space. Refused 19th December, 2023 for the following reason: -
It is the opinion of the Local Planning Authority that the proposed development, by virtue of its design, scale, massing and siting, would be harmful to the visual amenity of the street scene and the character of the area which would be further exacerbated by the position of the dwelling within a corner plot with an associated long range of visibility in all directions. The visual appearance of the extension would conflict with criterion ii) of Policy RD 3 and criterion i) of Policy RD 1 in the Denbighshire Local Development Plan along with guidance contained within the Council's Residential Development Supplementary Planning Guidance Note.

3. RELEVANT POLICIES AND GUIDANCE:

The main planning policies and guidance are considered to be:

Denbighshire Local Development Plan Adopted June 2013

Policy RD 1 - Sustainable Development and good quality design

Policy RD 3 - Extensions and alterations to existing dwellings

Policy VOE 5 - Conservation of natural resources

Supplementary Planning Guidance

Supplementary Planning Guidance Conservation and Enhancement of Biodiversity

Supplementary Planning Guidance Residential Development

Government Policy / Guidance

Planning Policy Wales Edition 12, 2024

Future Wales: The National Plan 2040

Development Management Manual 2017

TAN 5: Nature Conservation and Planning (2009)

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 12, 2024) 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 12) 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. 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.

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.

There are no representations raising visual amenity issues.

The proposal is for a small dormer with a lean to roof on the front elevation and a larger flat roof dormer along the rear elevation to provide additional living space within the roof. Since the refusal in 2023 the dormer on the front elevation has been reduced in size and the rear dormer has also been reduced in size and is shown to be set in over 1.2m from the edge of the main roof. The amendments to the design,

reducing the scale of the roof alterations are considered to overcome previous concerns in relation to the visual impact.

Having regard to the design, siting, scale, massing and materials of the proposed dormer extensions, 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.

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.

The Residential Space Standards SPG specifies that 40m² of private external amenity space should be provided as a minimum standard for residential dwellings.

There are no representations raising residential amenity issues.

The proposal is for a small dormer with a lean to roof on the front elevation and a larger flat roof dormer along the rear elevation to provide additional living space within the roof.

Having regard to the scale, location and design of the proposed dormer extensions, 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 (Edition 12, 2024). 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 12) 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 12) 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).

PPW 12 includes policies 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 strong 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**

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 Nesting Birds Assessment. At least one soprano pipistrelle bat is day roosting within the wall plate along the rear (northeast-facing) elevation of the dwelling and the proposed works would result in the destruction of this roost. A European Protected Species Mitigation License from Natural Resources Wales would therefore be required before the works can commence. Reasonable Avoidance Measures (RAMs) along with mitigation and compensation measures are also recommended within the report which include the provision of a bat and bird box with a new plum tree shown to be planted in the rear garden.

The County Ecologist has been consulted and has raised no objection to the proposal subject to conditions including conditions that require further detailed information of the Reasonable Avoidance Measures (RAMs) and mitigation and compensation measures.

Subject to the imposition of an appropriately worded condition or conditions, it is considered that the proposals are in line with the advice contained in PPW 12 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 shall begin not later than 5 years from the date of this decision.
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:
Proposed first floor plan (Drawing No. 3b) Received 21-08-2024
Existing elevations and site plan (Drawing No. 2) Received 21-08-2024
Existing floor plans (Drawing No. 1) Received 21-08-2024
Location Plan Received 21-08-2024
Proposed elevations and site plan (Drawing No. 5b) Received 21-08-2024
Proposed second floor plan (Drawing No. 4b) Received 21-08-2024
Bat & Nesting Bird Assessment (PJ Ecological Solutions Version 2 dated Feb 2025) Received 18-02-2025

3. No development shall be permitted to take place until the details of the provision for roosting bats and nesting birds, has been submitted to and approved in writing by the Local Planning Authority. The details shall include the number, location and specification of these features which shall be determined by a suitably qualified ecologist and shown on appropriate plans. The preference is for integrated bat and bird boxes. The development shall proceed in strict accordance with the approved plan and details.

4. No development shall take place until a Reasonable Avoidance Measures Method Statement for bats has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out strictly in accordance with the approved details

5. Prior to the completion of the development, details of an Ecological Compliance Audit (ECA) for the scheme shall be submitted to and approved in writing by the Local Planning Authority. The Audit shall be completed in accordance with the submitted details.

6. No new external lighting shall be installed unless a detailed external lighting plan is submitted to and approved in writing by the Local Planning Authority. The external lighting scheme shall identify measures to avoid negative impacts on nocturnal wildlife in accordance with the Bat Conservation Trust and Institution of Lighting Professionals Guidance Note 08/18 Bats and artificial lighting in the UK Bats and the Built Environment Series.

The lighting shall be implemented as approved and maintained thereafter.

7. All planting comprised in the approved details of landscaping shall be carried out no later than the first planting and seeding season following the commencement of development. Any trees or plants which within a period of 5 years from the completion 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, unless otherwise agreed in writing

Reasons: -

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. To maintain the favourable conservation status of protected bird species and the favourable conservation status of protected bat species.

4. To maintain the favourable conservation status of protected species.

5. In the interest of preserving ecological interests.

6. To maintain the favourable conservation status of protected bat species.

7. In the interests of visual amenity

Notes to Applicant

Bat Licence Required

Warning: A European protected species (EPS) licence is required for this development.

This planning permission does not provide consent to undertake works that require an EPS licence.

It is an offence to deliberately capture, kill or disturb EPS or to recklessly damage or destroy their breeding sites or resting places. If found guilty of any offences, you could be sent to prison for up to 6 months and/or receive an unlimited fine.

To undertake the works within the law, you can obtain further information on the need for a licence from Natural Resources Wales on 0300 065 3000 or at <https://naturalresources.wales/permits-and-permissions/species-licensing/apply-for-a-protected-species-licence/?lang=en>

Biodiversity - Bat & Bird Box Advice

Planning Policy Wales (Edition 12, 2024) recommends that biodiversity and ecosystem resilience considerations should be taken into account in development proposals. It would therefore be recommended that biodiversity enhancement

measures are incorporated into this development in the form of the provision of bat/bird boxes.

It is preferable to incorporate these features in the structure of the proposed new development as these are discrete, maintenance free, and ensure the building remains suitable for protected species in perpetuity. You are advised to discuss this detailed with a suitably qualified ecologist. Boxes such as the 1FR Schwegler Bat Tube, Ecosurv Bird Boxes, and Bird Brick Houses are all designed to be integrated into new build developments.

Biodiversity - Bat External Lighting

In accordance with the recommendations of the Ecological Appraisal submitted with the application, should external lighting be required, details to be submitted in accordance with the condition above should include details of how the lighting has been designed to avoid/minimise light spill on the site boundaries, areas of soft landscaping and ecological features in proximity to the site which may provide habitat for commuting bats.

Guidance is set out in Guidance Note 08/23 Bats and Artificial Lighting at Night (2023) published by Bat Conservation Trust and the Institution of Lighting Professionals. The document can be found at <https://www.bats.org.uk/news/2023/08/bats-and-artificial-lighting-at-night-ilp-guidance-note-update-released>

Biodiversity - General Note Destruction of Bird Nests

Works which could result in the damage or destruction of active bird nests should take place outside the of the bird breeding season (March - August, inclusive) or immediately following a nesting bird check conducted by a suitably qualified ecologist.