



**12/2024/1398**



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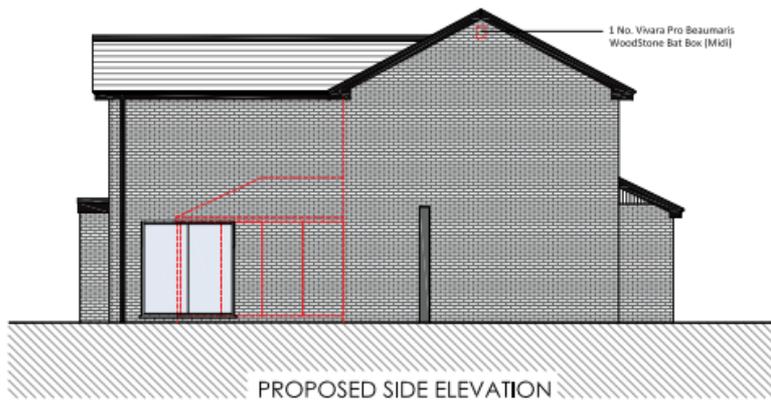
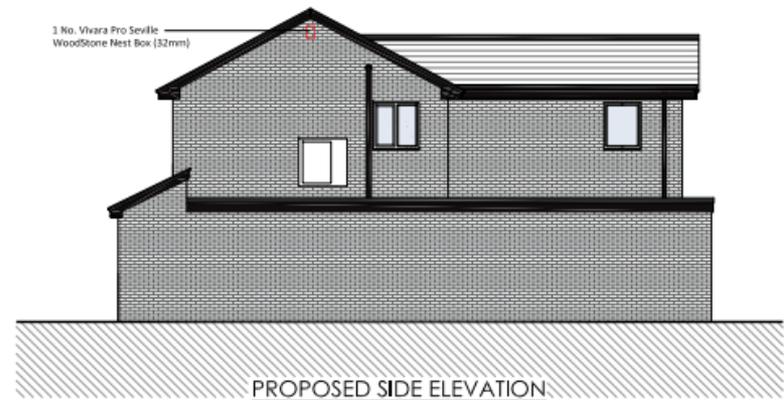
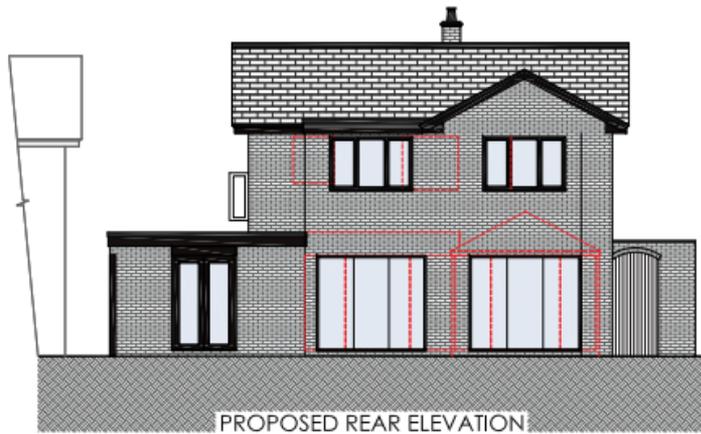
Site Plan





Existing elevations





**External Finishes**

- Walls:-** Brickwork to match existing
- Roof:-** Grey/Brown Tiles to match existing and flat roof
- Windows:-** UPVC windows to match existing
- Doors:-** UPVC windows to match existing
- Fascias Boards:-** UPVC to match existing
- Rainwater Goods:-** UPVC to match existing

# Proposed elevations





Front and rear of Dwelling





Views to neighbours

**Officer** - Paul Griffin

**Ward** - Efenechtyd

**Ward Member** - Councillor Eryl Williams

**Application Number** - 12/2024/1398/HH

**Proposal** - Erection of extension to rear of dwelling and associated works

**Location** - 3, Crud Yr Awel, Clawddnewydd, Ruthin, Denbighshire, LL15 2NJ

**Applicant** - Mr and Mrs H Vaughan-Evans

**Constraints**

Denbighshire Electoral Divisions	Efenechtyd
City Town and Community Councils	Derwen Community

**PUBLICITY UNDERTAKEN:**

**Site Notice** - f -

**Press Notice** - f

**Neighbour letters** - 6

**REASON(S) APPLICATION REPORTED TO COMMITTEE:**

**Scheme of Delegation Part 2**

- Application submitted by / on behalf of Head of Service

**CONSULTATION RESPONSES:**

DERWEN COMMUNITY COUNCIL

No objections

DENBIGHSHIRE COUNTY COUNCIL CONSULTEES –

Ecology Officer

No objections subject to conditions requiring compliance with the submitted ecological report

**RESPONSE TO PUBLICITY:**

None received.

**EXPIRY DATE OF APPLICATION:** 07-11-2024

**EXTENSION OF TIME AGREED** 14-5-2024

**REASONS FOR DELAY IN DECISION (where applicable):**

- Additional information needed regarding protected species.
- Awaiting consideration by Committee

**PLANNING ASSESSMENT:**

**1. THE PROPOSAL:**

1.1 Summary of proposals

1.1.1 Planning permission is sought for the erection of a two storey rear extension to the dwelling, 3 Crud Yr Awel in Clawddnewydd.

1.1.2 The extension would project approximately 5 metres from the rear elevation of the dwelling, and would be approximately 6.5 metres deep. It would feature a pitched roof and a flat roof section. Patio doors are proposed to the ground floor south-eastern and south-western elevations. No additional upper floor windows are proposed to the south-eastern side elevation, and one additional side window is proposed to the first floor north western side elevation. There would also be first floor windows to the south-western rear elevation. A nest box and a bat box are proposed to be fitted to the side elevations.

1.1.3 The extension would provide an open plan play room / dining area, and two additional bedrooms and it would replace an existing uPVC conservatory.

1.1.4 Proposed materials are to match the existing.

1.2 Other relevant information/supporting documents in the application

1.2.1 The application is supported by a Protected Species Survey Report and a Green Infrastructure Statement.

### 1.3 Description of site and surroundings

1.3.1 The dwelling sits in the middle of a row of 5 dwellings which make up Crud yr Awel. The houses in this location are predominately 2 storey, of late 20th century designs. The surrounding area is relatively flat. To the rear of the site are properties which are located on Trem Y Coed - the rear elevations of these properties would be approximately 30metres from the proposed extension. The site boundary is predominantly 6ft panel fencing.

### 1.4 Relevant planning constraints/considerations

1.4.1 The site is located within the development boundary of Clawddnewydd.

### 1.5 Relevant planning history

1.5.1 None

### 1.6 Developments/changes since the original submission

1.6.1 Additional information regarding protected species has been submitted following initial comments from the County Ecologist.

### 1.7 Other relevant background information

1.7.1 None

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

2.1 None

## **3. RELEVANT POLICIES AND GUIDANCE:**

The main planning policies and guidance are considered to be:

### **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

### **Supplementary Planning Guidance**

Supplementary Planning Guidance Conservation and Enhancement of Biodiversity

Supplementary Planning Guidance Residential Development

Policy VOE 5 - Conservation of natural resources

### **Government Policy / Guidance**

Planning Policy Wales Edition 12, 2024

Future Wales: The National Plan 2040

Development Management Manual 2017

## **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 involves the erection of a two storey, pitched roof rear extension that would project 5 metres, and be 6.5 metres wide. It would be constructed of materials to match the existing.

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.

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 40m<sup>2</sup> 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 features one upper floor side window to the north western side elevation, and two upper floor windows to the south western rear elevation. Having regard to the relationship between these windows and neighbouring properties, it is not considered that the proposal would result in an unacceptable degree of overlooking. The depth of the extension is 5 metres, and consideration has been given to the impact of this on the two side neighbours. Given the distances involved, and the positioning of the windows in the neighboring properties it is not considered that the proposal would result in an unacceptable level of overshadowing. Remaining garden area would be in excess of 40 sqm, and therefore the proposal is not considered to be overdevelopment of the site.

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 (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 Protected Species Survey and Green Infrastructure Statement and concludes that bats are not present in the building. However, 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 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 site plan (Drawing No. TY-1428-PL03) Received 09-09-2024

Existing floor plans (Drawing No. TY-1428-SU01) Received 09-09-2024

Existing elevations (Drawing No. TY-1428-SU02) Received 09-09-2024

Proposed elevations (Drawing No. TY-1428-PL02) Received 09-09-2024

Proposed front elevation and floor plans (Drawing No. TY-1428-PL01) Received 09-09-2024

Existing site plan (Drawing No. TY-1428-SU03) Received 09-09-2024

Location Plan (Drawing No. TY-1428-SU04) Received 09-09-2024

Bat and Nesting Bird Assessment (P J Ecological Solutions dated August 2024) Received 09-09-2024

3. The development shall be carried out strictly in accordance with the precautionary method of working set out in Appendix 1 of the approved Preliminary Protected Species Assessment (P J Ecological Solutions, August 2024).

4. The development hereby approved shall be carried out in strict accordance with the biodiversity enhancement measures set out in Appendix 4 of the approved Bat and Nesting Bird Assessment and shall include at least 1 No. Vivara Pro Beaumaris Bat Box and 1 No. Vivara Pro Seville Nest Box

For the following 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 species.
4. In order to maintain and enhance biodiversity

**Notes to Applicant**