PLANNING COMMITTEE	DATE: 22/03/2021
REPORT OF THE SENIOR PLANNING AND PUBLIC PROTECTION SERVICE MANAGER	

Number: 2

Application Number: **C20/0040/35/LL**

Date Registered: **10-01-2020**

Application Type: **Full**

Community: **Cricieth**

Ward: **Cricieth**

Proposal: **Erection of a new residential dwelling**

Location: **Sibrwd y Gwynt Morannedd, Cricieth, LL52 0PP**

Summary of the Recommendation: **TO REFUSE**

1. Description:

1.1 The application involves erecting a new house and creating a new vehicular access off the estate road.

1.2 The site is located on a narrow plot within an estate of varied housing that is on a slope. It is situated between two dwellings with a cul-de-sac located directly in front, with other houses after this dwelling. The site is within the Cricieth development boundary.

1.3 The site has been subject to several previous planning applications and an appeal, as noted below under the site's planning history. A two-storey house was approved with an access following an appeal in connection to application C08D/0570/35/LL, and this planning permission remains extant on the site.

1.4 The proposal is to erect a two-storey, three-bedroom house on the site with a closed balcony on the front. As the site is located on a slope, it will be necessary to excavate into the site and situate the proposed house somewhat into the land. It appears from the submitted plans that the new house would measure 14m by 11m and the upper section of the roof will measure approximately 7m high to the apex on the front. The property would have a pitched roof covered with grey coloured steel sheeting and these will also be on the walls.

1.5 The application before you is submitted to the Planning Committee at the request of the Local Member.

2. Relevant Policies:

2.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 and paragraph 2.1.2 of Planning Policy Wales emphasise that planning decisions should be made in accordance with the Development Plan, unless material considerations indicate otherwise. Planning considerations include National Planning Policy and the Local Development Plan.

2.2 Under the Well-being of Future Generations (Wales) Act 2015 the Council has a duty not only to carry out sustainable development, but must also take reasonable steps in exercising its functions to meet its sustainable development (or well-being) objectives. This report has been prepared in consideration of the Council's duty and the 'sustainable development principle', as set out in the 2015 Act, and in making the recommendation the Council has sought to ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs. It is considered that there would be no significant or unacceptable impact upon the achievement of well-being objectives as a result of the proposed recommendation.

2.3 **Anglesey and Gwynedd Joint Local Development Plan 2011-2026, adopted 31 July 2017**

PS 5: Sustainable development

PCYFF 1: Development Boundaries

PCYFF 2: Development Criteria

PCYFF 3: Design and place shaping

PCYFF 4: Design and landscaping

PCYFF 6: Water Conservation

TRA 2: Parking standards

TRA 4: Managing transport impacts

TA1 2: Housing in Local Service Centres

PS20: Protecting and where appropriate enhancing heritage assets

AT1: Conservation Areas, World Heritage Sites and Registered Historic Landscapes, Parks and Gardens.

Supplementary Planning Guidance - Maintaining and Creating Distinctive and Sustainable Communities

2.4 **National Policies:**

Future Wales: The National Plan 2040

Planning Policy Wales (Edition 11 - February 2021)

Technical Advice Note (TAN) 12: Design (2009)

3. Relevant Planning History:

C04D/0700/35/AM – Erection of dwelling REFUSED 17.12.2004

C04D/0259/35/AM – Erection of dwelling REFUSED 17.05.2004

C05D/0513/35/AM – Erection of two-storey dwelling REFUSED 17.10.2005

C06D/0099/35/AM – Erection of dwelling REFUSED 16.05.2006

C06D/0479/35/AM – Erection of two-storey dwelling REFUSED 18.10.2006 – Appeal APP/Q6810/A/07/2042508/WF Refused 20.07.2007

C08D/0570/35/LL – Erection of two-storey dwelling and vehicular access REFUSED 13.07.2010 Appeal APP/Q6810/A/11/2144394/WF APPROVED 04.04.2011

C16/0255/35/AC - Discharge of conditions 3, 4 and 5 of appeal approval APP/Q6810/A/11/2144394/WF - MIXED DECISION 26.04.2016

C18/1082/35/LL – Application to erect a new dwelling and vehicular access - REFUSED – 14.01.2019

Pre-application advice has been offered on several occasions confirming that the options submitted are too large and high for the site and as a result are contrary to what was approved under the latest appeal.

4. Consultations:

Community/Town Council:	No objection
Welsh Water:	Drainage plan condition
Transportation Unit:	I refer to the above application, and confirm that I have no objection to the proposal. I recommend that conditions / notes are included that involve the prevention of surface water run-off into the road, completion of parking space and the installation of bull-nosed kerbs on any planning permission approved
Natural Resources Wales:	No observations to offer
CADW:	Not received
Land Drainage Unit:	Not received
Public Consultation:	A notice was posted on the site and nearby residents were informed. The advertisement period has expired on 18.02.2020 and two items of correspondence were received objecting to the proposal:

- Design and materials are out of character
- Building located outside the area's building line
- Building is too high
- Potential of landslip during the work
- Estate road unsuitable for works traffic
- Overlooking into the property in front and either side - note that there is a possibility that the hedge behind the property over the road may not exist forever
- Impact of work noise
- Parking

5. Assessment of the material planning considerations:

The principle of the development

5.1 The application site is located within the Cricieth development boundary. The indicative supply level of housing for Cricieth over the Plan period, as noted in Appendix 5 of the Joint Local Development Plan, is 164 units (including a 10% 'slippage allowance', which means that the method of calculating the figure has taken into account potential unforeseen circumstances which may influence the provision of housing, e.g. land ownership matters, infrastructure restrictions, etc.). There is one designation in Cricieth, namely T41 for an estimated 34 units with the remaining 130 units provided on windfall sites. In the period 2011 to 2020, a total of 40 units have been completed in Cricieth (all on windfall sites), the windfall land bank, i.e. sites with extant planning permission, in April 2020, was 63 units (again, all on windfall sites). This means

that there is capacity within the Cricieth indicative supply for the development that forms part of this application.

5.2 The application before you is to erect a new two-storey dwelling with vehicular access from the estate road. This site has a long planning history; and six planning applications have been refused on the site. Permission was given on the site via an appeal on the grounds of the plans submitted as part of application C08D/0870/35/LL, and this planning permission remains extant. It is noted that the Inspector's decision was based on matters raised in the appeal in 2007 that was refused, and the inspector was of the opinion that the appeal's concerns at that time had been overcome by 2011. This report gets to grips with those matters raised in previous appeals; and assesses the proposal against the current policies of the Local Development Plan.

5.3 The site is located within a small and narrow plot of land within the Morannedd estate in Cricieth. The site is on a slope that elevates towards the back of the site, and is located between two properties with another property directly in front and opposite a narrow estate road. The site is located within the town's development boundary and appears to be a suitable windfall site on the grounds of the latest appeal decision. Although CADW have not responded to this consultation they have confirmed on the previous application that the development of this plot would not affect the Cae'r Dynni ancient monument due to its location in the middle of the existing housing estate. Therefore, the application complies with the requirements of policies PCYFF 1, TAI 2 and PS20 in terms of the principle of erecting a house.

Visual, general and residential amenities

5.4 The site is located within a small and narrow plot of land within the Morannedd estate at Cricieth. The site is on a slope that elevates towards the back of the site, and is situated between two properties with another property directly in front and opposite a narrow estate road.

5.5. The appeal decisions (refusal and approval) for the site clearly state that there is a potential for a two-storey property on the site to cause over-looking and an unacceptable impact on the nearby residents at either side and to the front. The appeal decisions depend on the window locations and floor levels to ensure that there is no adverse impact on nearby housing.

5.6 The plan approved under the 2011 appeal entails erecting a property measuring 9m by 10m with a height of approximately 7.5m to the ridge. The design does not include any windows on the side walls (except for a velux window in the roof), however, the first floor windows are at the back (bedroom and bathroom) with a large window on the front elevation on the ground floor and two windows on the first floor (bedrooms). It was determined that this house would be acceptable based on the number and location of the windows and the floor level to be agreed. It is noted that the plans submitted with the appeal application state that the property's floor level would be a little higher than the road (approximately 0.3m) and as the site would have to be excavated it would be possible to reduce the floor level again.

5.7 The application's agent has submitted a comparative cross-section plan to demonstrate the proposal in the context of the levels. This plan suggests that the proposed house will be set back by 1m compared to the house approved and on the grounds that this plan indicates that the finished floor level would be the same as what has already been approved, the property at its highest would be approximately 0.5m lower.

5.8 The house before you by now is approximately 4m wider and 1m longer than the property approved and 0.5m lower at its highest. It is noted that the property has been designed with an

angle on the front in order that all the elevation does not look out in the same direction. The property's design entails providing patio or bi-folding doors in the front bedroom on the first floor and they appear to open in the form of a 'juliette' balcony, together with a long window at the top of the landing and in the study on the first floor.

5.9 The site plan also confirms that the proposed house would be approximately 2m from the property's boundary on one side and 2.4m to the property's boundary on the other side. The estate where the application's site is located is characterised mainly by property of one and a half storey comfortably situated within their plots (i.e. not close to the boundaries of the property next door) with minority openings on their front and first floors.

5.10 The appeal decisions confirm that this site would be suitable for a narrow residential property. Therefore, the dwelling under consideration is a little lower in terms of the roof ridge that what was approved and is wider and comprises more openings on the first floor. It is considered that the reduction in height is not a compromise for the detrimental impact of increasing its width and adding openings on the first floor.

5.11 The property before you is two-storey with most of the openings on the front and at first floor level and it is considered that this is not in keeping with the pattern in this part of the estate, and that it causes an oppressive impact and a sense of over-looking over the rest of the estate. It is considered that the proposal would have a significantly more detrimental impact on the property of Pen y Bryn situated directly in front of the site, than what was mentioned as acceptable during the 2011 appeal.

5.12 It is noted that the residents of Pen y Bryn have objected the application and they have noted that the assessment of the impact of the proposal on their property has not given consideration to the existing hedge behind their property, as they are trying to reduce its height and there is potential that the hedge will not exist in the future due to associated maintenance work. It is noted that any property has the right to erect a fence, wall or hedge around their property to safeguard their privacy and as the hedge/fence exists then it is necessary to consider what the residents can do themselves to safeguard this as part of the application's assessment.

5.13 Despite the above, and although the plans submitted as part of the application do not show the new property in the context of the two properties next door in terms of height, it is considered that sufficient information has been submitted to confirm that the house before you, due to its size (specifically its width and bulk), location of the windows/doors and balconies on the front elevation and the modern design and finish will have a significant detrimental impact on the amenities and the reasonable privacy of the property of Pen y Bryn situated opposite and the estate road of the application site, and would be an alien element in the landscape and the area.

5.14 It is also considered that the size of the property (specifically its width and bulk) means that the property is not in keeping with the estate's building pattern and design - that includes houses of one and a half storey mainly within plots that comfortably include the houses.

5.15 Therefore, it is considered that the proposal is contrary to the requirements of criterion 13 PS 5, criterion 1 PCYFF 2, criteria 1 and 10 PCYFF3 on the grounds of the impact on the amenities of nearby property, and it does not promote a high standard of design that makes a positive contribution to the local area and does not add to or enhance the character and appearance of the site.

Transport and access matters

5.16 The Transportation Unit was consulted regarding the proposal, and the Unit has confirmed that there is no objection to the development in terms of parking and access subject to conditions that would ensure a parking and turning area, protecting the road from water flow and receipt of a licence to create the access.

5.17 It is considered that the proposal would be in keeping with the aims of policies TRA 2 and TRA 4 of the Local Development Plan in terms of access and parking facilities.

Linguistic matters

5.18 The proposal does not reach the thresholds set in policy PS1: The Welsh Language and Culture to provide new housing, and the extant planning permission is to erect a house on the site.

5.19 In such circumstances, the SPG 'Maintaining and Creating Unique and Sustainable Communities' require an applicant to demonstrate how the proposal has given consideration to the linguistic matters. The proposal before you is to erect a dwelling-house on a location that already benefited from planning permission for a dwelling that is yet to be constructed. The principle of erecting a dwelling-house on the site has already been established and is an opportunity for local families to stay or move back to the area, and the applicants are a local Welsh speaking family who are moving back to the area. There is the potential of using a local workforce for the work on the site. Therefore, it is considered that the proposal has the potential to have a positive impact on the Welsh language in the area. The LPA have asked the agent to provide a statement on how the proposal has considered linguistic matters in the context of the application before you, however, no response has been received at the time of writing. We trust that this response will have been received by the date of the Committee and the matter can be reported upon orally.

5.20 However, and based on the above, it is not considered that the proposal is contrary to the specific requirements of policy PS1 of the LDP or the requirements of the SPG 'Maintaining and Creating Unique and Sustainable Communities'.

Drainage matters

5.21 The proposal will be subject to a sustainable drainage systems (SuDS) application to control surface water, and this system will be approved by the SuDS Approval Body as a separate process to the planning system. Drainage systems must be designed and constructed in accordance with the minimum standards for sustainable drainage as issued by Welsh Ministers, prior to formal approval. The LPA have consulted the Council's Drainage Unit, however, no response has been received. However, it is considered that it is possible to provide sufficient drainage on the site if the principle of the proposal is acceptable and this would be a matter mainly for the SuDS Approval Body. To this end, it is not considered that the proposal is contrary to policy PS6 of the LDP.

Response to the public consultation

5.22 Following a period of public consultation, the following observations were received in relation to planning matters

- Design and materials are out of character
- Building located outside the area's building line
- Building is too high

- Potential of landslip during the work
- Estate road unsuitable for works traffic
- Overlooking into the property in front and either side - note that there is a possibility that the hedge behind the property over the road may not exist forever.
- Impact of work noise
- Parking

5.23 It is considered that the above assessment has dealt with all of these matters. It is noted that if planning permission is approved, it would be possible to control the impact of works noise via planning conditions to prevent working hours, and ensuring that the land is suitable for excavation is a matter that would be assessed under Building Control matters.

6. Conclusions:

6.1 Based on the above assessment, the proposal is considered to be unacceptable as the LPA considers that the house in question, due to its size (specifically its height and width) location of windows/doors and balconies on the front elevation and the finished floor levels would have a significant detrimental impact on the amenities and reasonable privacy of the property of Pen y Bryn situated opposite and the application site's estate road.

It is also considered that the size of the property (specifically its width and bulk) means that the property is not in keeping with the estate's building pattern - that includes houses of one and a half storey mainly within plots that comfortably include the houses. Based on this, the proposal is contrary to the requirements of criterion 13 PS 5, criterion 1 PCYFF 2, criteria 1 and 10 PCYFF3 on the grounds of the impact on the amenities of nearby property, and does not promote high standards of design that make a positive contribution to the local area and does not add to or improve the character and appearance of the site.

7. Recommendation:

To refuse – reasons

1. The proposed house is contrary to criterion 13 of policy PS5, criterion 1 of policy PCYFF2 and criteria 1 and 10 of policy PCYFF 3 of the Anglesey and Gwynedd Joint Local Development Plan 2017 as a result of the size and scale and design of the new dwelling specifically its height and width and the location of the windows and balconies on the front elevation which means that the proposal is not in keeping with the estate's building pattern and causes a significantly detrimental impact on the amenities and privacy of the residents of the property situated in front of the site.