

PLANNING COMMITTEE	DATE: 03/04/2017
REPORT OF THE SENIOR PLANNING AND ENVIRONMENT SERVICE MANAGER	SIAMBR DAFYDD ORWIG, CAERNARFON

Number: 1

Application Number: C16/0638/39/LL

Date Registered: 08/09/2016

Application Type: Full - Planning

Community: Llanengan

Ward: Abersoch

Proposal: A revised design for an extension approved by planning permission number C14/0215/39/LL

Location: Cilfan, Lôn Gwydryn, Abersoch, Pwllheli, LL537EA

Summary of the Recommendation: APPROVE WITH CONDITIONS

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1. **Description:**

- 1.1 The application was submitted to the Planning Committee dated 07 November 2016 when it was resolved to defer considering the application in order to give an opportunity to resolve inconsistencies between the plans submitted for consideration and the building being constructed on the site. After discussing the matter further with the applicant, an amended plan dated 13 February 2017 was received showing the building as it is intended to be erected. This application is part-retrospective for retaining the work undertaken to develop a house that was a single-storey house into a two-storey house with a room in the roof space that does not conform to planning permission granted under reference C14/0215/39/LL.
- 1.2 The original permission C14/0215/39/LL dated 15 September 2014 granted the ridge of the roof to be raised approximately 2.3m higher than the roof of the original house, the front porch to be demolished and a front balcony to be erected, along with the erection of a single-storey side extension and a single-storey sun room at the rear. The extension would create three bedrooms and a study on the first floor with an enclosed balcony. The building would be finished with a slate roof and the walls would be a combination of white render, timber boards and glass.
- 1.3 Following a complaint that was received about the development stating that the height of the side extension was higher than the plan approved, an Enforcement Officer visited the site to discuss the issue with the applicant and a part-retrospective application to retain the amendments made to the planning permission was received.
- 1.4 The existing application includes raising the ridge of the roof 3.0m higher than the ridge of the original house. This adds approximately 0.7m to the height of the house as approved in 2014. The application also includes using the roof space, raising the height of the eaves of the extension by approximately 1.5m, widening the front balcony by around 0.8m and relocating the rear extension further from the site's western boundary. There will be an additional window on the first floor elevation, two skylights on the eastern elevation along with changes to the rear extension. The development will create a living room, balcony, kitchen / dining room, utility room and sun room on the ground floor level and three bedrooms, storage space, study and balcony on the first floor. The building would be finished with a slate roof and the walls would be a combination of white render, timber boards and glass.
- 1.5 After inspecting the site, it was noticed that the building was not being erected strictly in line with the plans submitted with the retrospective application. The inconsistencies included siting the gable wall of the side extension closer to the eastern boundary than the approved plan; the roof erected on the building did not extend over the front balcony and there were no openings for the skylights in the eastern elevation. The plan dated 13 February 2017 shows the side extension slightly wider with the gable wall of the extension erected within a block wall located along the site's eastern boundary. The applicant also provided a statement confirming his intention to extend the roof over the front balcony and to install skylights in the eastern elevation.
- 1.6 The external design reflects the location of the doorways and windows as approved in 2014.
- 1.7 The property is situated at the end of a private track which serves three houses and a commercial garage. Access to the site is off Lôn Gwydryn which is a one way, first

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class county road. The property is located within the development boundary of the village of Abersoch and within an Area of Outstanding Natural Beauty designation.

- 1.8 The application is submitted to the Committee following receipt of more than three objections to the application.

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 Unitary Development Plan.

- 2.2 The Well-being of Future Generations Act (Wales) 2015 places a duty on the Council to take reasonable steps in exercising its functions to meet the 7 wellbeing goals within the Act. This report has been prepared in consideration of the Council's duty and the "sustainable development principle", as set out in the 2015 Act. In reaching the recommendation set out below, 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.

2.3 **Gwynedd Unitary Development Plan 2009: (GUDP)**

POLICY B8 THE LLŶN AND ANGLESEY AREAS OF OUTSTANDING NATURAL BEAUTY (AONB) - Safeguard, maintain and enhance the character of the Areas of Outstanding Natural Beauty by ensuring that proposals conform to a number of criteria aimed at protecting the recognised features of the site in accordance with the statutory requirements of the Countryside and Rights of Way Act 2000.

POLICY B22 – BUILDING DESIGN – Promote good building design by ensuring that proposals conform to a series of criteria aimed at protecting the recognised features and character of the local landscape and environment.

POLICY B23 - AMENITIES - Safeguard the amenities of the local neighbourhood by ensuring that proposals conform to a series of criteria aimed at protecting the recognised features and amenities of the local area.

POLICY B24 ALTERING AND EXTENDING BUILDINGS WITHIN DEVELOPMENT BOUNDARIES, RURAL VILLAGES AND THE COUNTRYSIDE Ensure that proposals for alterations or extensions to buildings conform to a series of criteria aimed at protecting the character and amenity value of the local area.

POLICY B25 BUILDING MATERIALS Safeguard the visual character by ensuring that the building materials are of a high standard and in keeping with the character and appearance of the local area.

POLICY CH33 - SAFETY ON ROADS AND STREETS Development - proposals will be approved provided they can conform to specific criteria relating to the vehicular entrance, the standard of the existing roads network and traffic calming measures.

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POLICY CH36 – PRIVATE CAR PARKING FACILITIES - Proposals for new development, extension of existing development or change of use will be refused unless off-street parking is provided in accordance with the Council’s current parking guidelines and having given due consideration to the accessibility of public transport, the possibility of walking or cycling from the site and the distance from the site to a public car park.

2.4 **Gwynedd and Anglesey Joint Local Development Plan. (Composite Version including Matters Arising Changes, January 2017)**

PCYFF 1: Development Criteria.

PCYFF 2: Design and Place Shaping

TRA 2 : Parking Standards

TRA 4: Managing Transport Impacts

2.5 **National Policies:**

Planning Policy Wales, Edition 8, 2016.

Technical Advice Note (TAN 12) Design – June (2009)

3. **Relevant Planning History:**

3.1 2/19/677 - Erecting a bungalow on a plot by Woodlands - Approved on 5 July 1990

3.1 2/19/677A - Erecting a bungalow on a plot by Woodlands - Approved 25 April 1991

3.3 C14/0215/29/LL - Extension to create a first floor to the property - Approved on 15 September 2014

4. **Consultations:**

Community/Town Council: Support

Transportation Unit: Does not wish to make a recommendation as it is believed that the proposed development would not have a detrimental impact on any county road or proposed county road.

AONB Officer: The house is located among other houses in the centre of the village and within an AONB. There are no significant amendments to the plan and the house is not in a prominent location - it is not believed that the development would impact the AONB.

Public Consultation: A notice was posted on site and nearby residents were notified and several items of correspondence were received objecting to the proposal on the following grounds:

- That the design is not in keeping with nearby houses.
- The property would have a significant impact on an adjacent property due to loss of light and privacy.

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- The balcony would encroach on the privacy of a neighbour's garden, kitchen and bedroom.
- The development would have an impact on road safety.
- The application's statement on the application form incorrectly states that work on site has not commenced.
- Note on the application form incorrectly stating that there is no change to the size of the roof.
- The end of the side extension wall has been raised (and so rainwater goods would lean over an adjacent property).
- The side extension wall has a significant impact on sunlight and warmth entering the ground floor room of the adjacent property.
- That the building is not being constructed in accordance with the approved plans.
- That the proposal does not conform to AONB principles.

After receiving the amended plan dated 13 February 2017 officers re-advertised the neighbouring residents and correspondence was received re-stating the previous objections and emphasising the following observations:

Emphasise that the ground level of the proposed house is 1.4 metre higher than the objector's house and, consequently, the effect of the increase in height of the side extension causes a significant impact on sunlight to that property, causes disturbance to the occupants and reiterating that they have legal representation.

Asking members of the Committee to visit the site prior to determining the application.

As well as the objections above, objections were received which were not valid planning objections and these included:

- That the structure built on the land belonging to the adjacent school encroached on a neighbour's privacy and light and this issue is being investigated by the ombudsman
- The development would affect the value of nearby properties.
- That the scaffold had been attached to a neighbour's land without consent and had made the access road unusable.
- That the foundation for the extension had undermined a neighbour's boundary wall.
- That the neighbours had not received notification letters.
- Create a precedent for similar developments.
- That the building work trespassed on a neighbour's property.

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5. Assessment of the material planning considerations:

The principle of the development

5.1 It is a requirement that planning applications are determined in accordance with the adopted development plan, unless other material planning considerations state otherwise. The current 'Development Plan' is the Gwynedd Unitary Development Plan (2001-2016) and the Joint Local Development Plan for Gwynedd and Anglesey (JLDP) replaces the UDP as the 'development plan' once it is adopted. It is hoped that the JLDP will be adopted during July 2017.

5.2 When dealing with any planning application the statutory test should be your first consideration at all times, i.e. it is necessary to determine planning applications in accordance with the development plan, unless other relevant considerations state otherwise. The JLDP is now a material planning consideration for the purposes of development control - see paragraph 3.1.3 Planning Policy Wales that states: "Material considerations could include current circumstances, policies in an emerging development plan and planning policies of the Welsh Government. All applications should be considered in relation to up-to-date policies ...".

5.3 Although many policies have been discussed in detail during the Gwynedd and Anglesey Joint Local Development Plan Hearings, we will not know for certain what the contents of the Plan will be until the Inspector submits his binding report.

5.4 Paragraph 2.14.1 of Planning Policy Wales states:
"...thus in considering what weight to give to the specific policies in an emerging LDP that apply to a particular proposal, local planning authorities will need to consider carefully the underlying evidence and background to the policies. National planning policy can also be a material consideration in these circumstances."

In this case, the JLDP policies as noted in 2.4 above are material and as these policies are fairly consistent with the policies of the Unitary Development Plan and the relevant National Advice, it is considered that the above assessment and the recommendation of this report are consistent with the emerging policy.

5.5 The principle of developing the property has already been established since approving the proposal in 2014 to create a two-storey house on the site of a single-storey house. The amended application was submitted to the Council as a result of the Enforcement Unit receiving a complaint that the work did not conform to the planning permission. The main difference is to the appearance of the building, including raising the ridge of the roof by 0.7m, raising the height of the eaves of the side extension by about 1.5m, and widening the front balcony by approximately 0.8m. It is not considered that these changes significantly affect the principle of the permission that was granted planning permission in 2014. A copy of the plan approved in 2014 is included as part of this report in order that the Committee may compare the two plans.

Visual amenities

5.6 The property is located within an Area of Outstanding Natural Beauty (AONB) where planning policies presume against developments that are likely to have a substantial detrimental effect on the visual amenities of the AONB. The property stands among the houses of the village of Abersoch. It is realised that the building's appearance

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differs somewhat from the building that was granted permission in 2014, but the changes to the approved plan are not considered to have a significant detrimental impact on the area's visual amenities. It is therefore believed that, based on scale, size and form, the proposal is acceptable. It is noted that objectors note that the proposal does not reflect the houses in the vicinity. As there are a mixture of houses of varying sizes and design in the vicinity, however, it is considered that a higher roof would neither look out of place nor would it impact the character of the local vicinity or the townscape. The proposal is not considered to intrude on the landscape of the AONB, as it stands within the built area of the village, and it does not have a detrimental impact on views. The AONB Officer does not object to the proposal. A varied selection of materials is intended to be used as finishes. They include slate on the roof and render with glass and timber boards features on the external walls, which are contemporary materials considered suitable for the site and the village of Abersoch. It is therefore considered that the proposal, in terms of design, complies with the requirements of policies B8, B22, B24, and B25 of the Gwynedd Unitary Development Plan.

General and residential amenities

- 5.7 Policy B23 of the GUDP is the consideration when discussing amenities. Objections were received from neighbours on either side of the property following statutory publicity and the objected to the proposal based on the points listed above. The objections are considered for each property in turn:
- 5.8 Property to the west of the site known as Woodlands: There are four narrow windows to the gable end closest to Cilfan. In terms of the openings of the development, there would be two doors and a window on the ground floor and one opaque window on the first floor facing Woodlands. As there is substantial difference in the ground level of Cilfan, it is assessed that there would be no impact on privacy from the ground floor openings, as they are lower than the windows of Woodlands. As the windows on the first floor are for a bathroom, and considering that this would be glazed with opaque glass, there is no significant concern about overlooking from this window, as it is not a habitable room. A condition could be imposed to control that the window remains opaque and agree on the way the window opens. The owner of Woodlands also voiced concern about the impact of the balcony on his privacy. As the balcony would be enclosed and roofed, and that the side closest to Woodlands would be solid, it is not considered that there would be any implications regarding privacy in this instance. It is understood that the side wall would be longer due to the increased size of the front balcony but this would not change the planning opinion noted above. Not much emphasis can be put on the disputed impact on the privacy of the front curtilage of Woodlands either as it is entirely open. Neither the rear balcony nor the rear windows would directly face Woodlands.
- 5.9 The owner of Woodlands also argues that the first floor extension would have an impact on light into his property. The biggest difference would be to the four side windows but planning permission has already been granted for the creation of a two-storey house on the site and the amendments to the plans approved would not have a significantly greater impact on the neighbour's property in terms of loss of light. It is likely that amendments to the plans approved would have an impact on the views from Woodlands, but loss of views is not a valid planning consideration. Therefore, it is not considered that the development would lead to a significantly great reduction in levels of amenity, nor the reasonable enjoyment of the residents of Woodlands.

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- 5.10 Property to the east of the site known as Pencoed: An objection was received from the owner of Pencoed based on loss of light, privacy, impact on the AONB and that the proposal is an over-development of the site. The impact on the proposal on the AONB has already been discussed under the Visual Amenities heading above and it is therefore considered unnecessary to elaborate here. In relation to the element of the objection which alleges that the proposal is an over-development of the site, it must be appreciated that there is no significant addition to the floor surface area of the new building and that the addition which has the most impact on Pencoed has been limited to extending the gable wall of the side extension towards the boundary of Pencoed along with raising the height of the extension roof eaves by about 1.5 metres. It is appreciated that objectors state that the ground floor level of the side extension is 1.4 metre higher than the ground floor of the neighbouring house and, consequently, the increase in the height of the side extension roof would have significantly more impact on amenities of that property. It is noted that Pencoed has no windows directly facing Cilfan. Planning permission has already been approved for raising the height of the previous single-storey house in order to create a two-storey house on the site, along with the construction of a single-storey extension close to the boundary with Pencoed. The current application includes adding to the height of the house along with raising the height of the side extension and, despite understanding the concerns of the objectors, it is not believed that these additions, due to the design of the building, would have a significantly greater impact than the plan approved in 2014. It is noted that it is intended to glaze the landing window with opaque glass and place 'louvres' on both windows on the side elevation facing Pencoed, in order to reduce the impact of overlooking to the property and these issues could be included as condition on permission. The proposal is believed to be acceptable with appropriate conditions, as it would not have a significantly oppressive impact on the neighbour's amenities. It is also considered that the two skylights would not have an impact on the privacy of the property due to the height of these windows. It is also noted that the objector has raised concerns about an element of the proposal which involves constructing a new boundary wall. The wall will measure approximately 1.8 metres above the rear garden level of the application site in order to protect the privacy of the application site and protect the privacy of the neighbour. It is appreciated that an objection has been received regarding the height of this wall; however, it is considered that the height in question is reasonable under the circumstances and that the neighbour also complains that the development affects his privacy. Concerns have also been raised about the location of scaffold on the neighbour's land without permission which encroached on his parking space, that the rainwater goods lean over the neighbour's property and that the responses on the application form were incorrect. Issues such as the impact of the development on the boundary wall, location of scaffolding or that rainwater goods lean over the neighbour's land boundary are not planning matters but rather civil matters. The objector's comments regarding the accuracy of the responses on the application form have been noted. However, a retrospective application is submitted to the Council as a result of an officer from the Enforcement Unit noticing that the development did not comply with the planning permission.
- 5.11 Property to the north of the site known as Glandwr: The existing application includes extending the balcony 0.8m closer to this property and placing one window on the first floor level, as well as using the loft space. But these amendments are not considered to have a significantly greater impact on the amenities of the property.
- 5.12 Having fully considered the objectors' concerns, the proposal is deemed acceptable and in accordance with amenities policy B23 of the GUDP with the relevant planning conditions. A condition can also be imposed to prevent the installation of new openings to the house in the future.

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Transport and access matters

- 5.13 The site is within a village location. The existing private track that leads from the class 1 county road to the site measures approximately 50 metres in length and serves the other adjacent residential properties. Considering that planning permission for a similar development has already been granted for the site in 2014, it is not considered that the level of traffic at the site would rise sufficiently to justify objecting based on roads. The Transportation Unit submitted observations confirming that they had no objection to the application. It is not considered that the proposal is contrary to policy CH33 or CH36 of the GUDP.

Response to the public consultation

- 5.14 Full consideration was given to the relevant matters raised as a result of the statutory publicity given to the application, and it is not considered that the objections received justify refusing the application in this case.

6. Conclusions:

- 6.1 The fact that the implemented planning permission exists on the site is an important planning consideration when considering the current application. The Council has already approved a similar development on the site and it is not considered that the difference to the design is sufficient to justify refusing the application. The proposal does not significantly impact the area's visual amenities or those of the nearby residents and it conforms to all the policies noted in this report.

7. Recommendation:

- 7.1 To approve – conditions
1. In accordance with the plans
 2. Slate to match
 3. Finish to be agreed
 4. Details of the 'louvres' on the eastern elevation of the property to be agreed in writing with the Local Planning Authority within a month of the date of this approval and to remain so henceforward.
 5. No further new window openings or doorways to be allowed, with the exception of those shown on a revised plan.
 6. Windows of the bathroom and first floor on the western elevation must be glazed with opaque glass before the property is occupied and must remain so henceforward.
 7. Limit the height of the wall along the eastern boundary of the site to 1.7 metres.