

PLANNING COMMITTEE	DATE: 24/04/2017
REPORT OF THE SENIOR PLANNING AND ENVIRONMENT MANAGER	FRONDEG, PWLLHELI

Number: 1

Application Number: C17/0094/40/AM

Date Registered: 27/01/2017

Application Type: Outline

Community: Llannor

Ward: Efailnewydd/Buan

Proposal: Outline application for the erection of an affordable dwelling

Location: Land by Siop yr Efail, Efailnewydd, Pwllheli, LL535TR

Summary of the Recommendation: TO REFUSE

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1. **Description:**

- 1.1 A decision on the application was deferred at the Planning Committee held on 3 April 2017 in order for members of the Committee to visit the site on 24 April 2017. This is an outline application for the construction of an affordable, two-storey house in the garden of two existing houses. The sketch submitted along with the application shows a proposal to erect a two storey house with the floor surface area measuring 50 square metres each. The proposed house would measure approximately nine metres in length, six metres wide, and six metres to the pitch. The applicant has stated that the house would be designed so that the first floor rooms are partly in the roof cavity so that the roof can be as low as possible. The plans show that the height of the proposed house would be approximately 3.5 metres higher than the ridge of the neighbour's house to the west and approximately 0.5 metres higher than the ridge of the adjacent two storey house owned by the applicant. The new house would occupy most of the existing garden and the level of the site would also be excavated by approximately 1 metre in order to extend, divide and facilitate parking for the existing houses. The proposal would mean increasing the existing parking provision from two to four parking spaces.
- 1.2 The boundary wall that runs parallel to the county road would be lowered in order to improve visibility from the entrance toward the west. The site is served by an existing entrance to the parallel class two road.
- 1.3 The site is in a fairly prominent location among residential dwellings in the village. The site is within the village boundary and the Landscape Conservation Area.

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 well-being 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 B10 – PROTECTING AND ENHANCING LANDSCAPE CONSERVATION AREAS – Protect and enhance Landscape Conservation Areas by ensuring that proposals must conform to a series of criteria aimed at avoiding significant harm to recognised features.

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.

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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 C1 LOCATING NEW DEVELOPMENT Land within town and village development boundaries and the developed form of rural villages will be the main focus for new developments. New buildings, structures and ancillary facilities in the countryside will be refused with the exception of a development that is permitted by another policy of the Plan.

Policy CH4 – New Dwellings on Unallocated Sites within the Development Boundaries of Local Centres and Villages – Approve proposals for the construction of new dwellings on unallocated sites within the boundaries of Local Centres and Villages if they conform to criteria aimed at ensuring an affordable element within the development.

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.

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.

The Gwynedd and Anglesey Joint Local Development Plan, which is currently being prepared, is subject to an ongoing Public Inquiry. At present, it is not a relevant planning consideration for making decisions on planning applications.

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

PCYFF 1: Development Criteria.

PCYFF 2: Design and Place Shaping

TAI 9: TAI 9: Threshold of Affordable Housing and their Distribution

TAI 17: Housing in Local, Rural and Coastal Villages

TRA 2 : Parking Standards

TRA 4: Managing Transport Impacts

2.5 **National Policies:**

Planning Policy Wales (Edition 9) 2016

Technical Advice Note (TAN) 12: Design (2016)

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Technical Advice Note 18: Transportation

3. **Relevant Planning History:**

3.1 Enquiry number Y16/002431: Enquiry into the information required for the submission of an outline application.

Application number C16/1544/40/A - Outline application to construct an affordable dwelling - Land by Bodelen / Efail Newydd Shop - Refused on 18 January 2017

4. **Consultations:**

Community/Town Council: Support

Transportation Unit: No objection to the application. However, rather than lowering the boundary wall to one metre above the parallel county road to retain visibility, it is recommended that the southern boundary be moved back in order to widen the county road as an improvement, using the line of the supporting wall as a new boundary. The above improvement obviates the need to look over the boundary when leaving the site and is an opportunity to get rid of the pinchpoint at the village centre.

Strategic Housing Unit 13 applicants wish to own or part-own a home

One has noted the Efailnewydd area as their first choice for a three bedroomed house.

Based on the above information it seems that the Plan addresses provides one additional house within the area.

If a Housing Association is a partner for this development, the design of the property must conform with WG standards.

There seem to be houses for sale in the area that would be considered affordable.

There has been no confirmation that the applicant has been assessed by Tai Teg to be eligible for an affordable home.

Tai Teg Unit Not received

Welsh Water: The applicant has shown intention to dispose of water through the public sewer. It must be demonstrated that all other options for draining surface water have been investigated and there is guidance on this in Part H Building Control. Should the application be approved, a condition should be imposed on the approval enforcing the presentation of drainage details to be approved by the Council before commencement of work on site.

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Public Consultation: A notice was posted on site and neighbouring residents were notified. The advertisement period expired on 24 February 2017 and seven letters were received supporting the application on the following grounds:

That the application was for a house for a local person from the village who already owns the property.

Meeting the local need for an affordable house.

Because it is a local person who depends on obtaining an affordable house in his/her locality.

High demand for affordable houses for local people in Efailnewydd.

5. Assessment of the material planning considerations:

The principle of the development

5.1 Decisions about planning applications must be made in accordance with the adopted development plan, unless other material 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 Joint LDP 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 is consistent with the emerging policy.

5.5 The proposal involves constructing one two-storey house in the garden of a residential property. The site is located within the development boundary of

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Efailnewydd. The site has not been earmarked for any particular use or as protected open land. From the perspective of housing policies, the site falls within a development boundary and policies C1 and CH4 are relevant to this application.

5.2 Policy C1 states that the main focus for new developments will be 'within the development boundaries of towns and Villages'.

5.7 Policy CH4 is relevant and states that, in principle, proposals for the construction of new dwellings on unallocated sites that are within village development boundaries will be approved provided they conform to all the relevant policies of the Plan and the three criteria which form part of the Policy.

The policy's first criterion states that it is a proportion of the units that should be affordable; and, the second criterion states, among other things, that the size and design of the building should be commensurate with the need for an affordable house. The policy requires a proportion of the units to be affordable i.e. when the proposal consists of more than one house, but since this proposal is for one house only, is not expected to be affordable. The third criterion relates to arrangements for the provision of affordable housing and for reasons already noted these are not considered relevant. Based on the above it is, therefore, considered that the application conforms to the principles of policies C1 and CH4 of the GUDP. On this basis, therefore, the observations of the Housing Strategic Unit are not entirely relevant as there is no policy requirement for the house to be affordable. Likewise, it is acknowledged that the size of the house reflects the size of an affordable house but it is the size and restrictions of the site that naturally dictate this rather than the requirement which states that it must be of an affordable size to meet the requirements of relevant policy.

5.8 Policy Tai 17 of the LDP support applications for open market housing and affordable houses within villages such as Efailnewydd, which are defined as Local Villages within the new LDP if the policy's criteria can be met. These state that the size, scale, type and design complement the character of the area and that the site is within a village development boundary. The proposal is not considered to greatly contravene the aims of this policy. Policy Tai 9 of the LDP states that Councils will attempt an appropriate level of affordable houses in the plan's area. Residential developments of two or more houses within Local Villages are expected to contribute toward affordable houses. This proposal is for the construction of one house only and under this policy, therefore, binding the approval to an affordable house should not be expected.

Visual amenities

5.9 Policies B22 of the GUDP relate to design, finishes, appearances and visual amenities. The site is currently within the garden of a residential property among residential houses. This is an outline application submitted to the Council for consideration and the applicant has submitted sketches showing the size and height of the proposed house along with a statement that the proposed house would be of a reasonable size and that the details demonstrate its compatibility with the other buildings in the vicinity. Concern must be expressed, however, regarding the proposal as it would substantially reduce the spatial amenity of the existing houses.

5.10 Although the site is within an LCA there is a sense that the proposal would not be likely to have a substantially detrimental impact on the wider views since the site is located among buildings and within the development boundary of the village of Efailnewydd. It is not considered that the proposal would be visible from extended

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views and it is considered that the impact of the proposal would be confined to the local area in direct proximity. Given the above, it is not believed that this development would have a detrimental effect on the Landscape Conservation Area and that it is acceptable in terms of Policy B10 of the GUDP.

General and residential amenities

- 5.11 Policy B23 of the GUDP considers the impact of the proposal on nearby residential amenities. Consultation was carried out regarding the application, and seven letters were received supporting the application based on the need for an affordable house within the village. No observations were received mentioning the proposal's possible impact on residential amenities surrounding the site. However, it must be realised that the surface area of the site, at the western end of an existing garden of the proposed house, is small. The house stands within three metres of the western boundary and around a metre from the northern boundary. Although the application is an outline one, plans were submitted with it showing the elevations of the proposed house in relation to nearby property. The plans show that the height of the proposed house would be approximately 3.5 metres higher than the neighbour's house to the west and approximately 0.5 metres higher than the adjacent two storey house owned by the applicant.
- 5.12 The proposed two storey house is located approximately one metre at its farthest point from an existing high hedge that forms part of the site's northern boundary. The existing hedge creates an effective screen between the garden of the property subject to this application and a residential property to the north of the site. The sketches submitted along with the application show that the height of the ridge of the house would be substantially higher (approximately 3.5 metres) than the height of the existing hedge. Although no details were submitted with the application to show the location of first floor rooms and windows, the house's location, its height, and the likelihood of installing windows on the northern elevation (back) as part of the interior layout of the proposed house, raises significant concerns about the impact of the proposal on the privacy and amenities of the residents of the house to the rear and to the north of the site. Therefore, it is considered that the proposal is contrary to the requirements of policy B23 of the GUDP and undermines policy PCYFF 1 and 2 of the LDP.
- 5.13 There is great concern about the development within a small existing garden which is being used by two houses at present. The small size of the plot means that the house would be located next to an existing hedge. It is, therefore, likely to have a substantially detrimental impact on the amenities of nearby residents. It is therefore considered that the proposal would be an over-development of the site. The proposal is considered to be unacceptable in relation to Policy B23 of the GUDP as it would cause significant harm to the amenities of the local neighbourhood, it would be an over-development of a small site and would reduce the spatial amenity of two existing houses as the garden would be used as the plot for the proposed house. That the applicant owns both adjacent houses does not resolve concerns about the over-development of this small site.

Transport and access matters

- 5.14 The site is within the garden of two existing residential properties. The plan submitted along with the application shows that there is space for two cars to park within the property as it currently stands and the intention would be to extend the parking space to accommodate four cars for the proposed development. The site is served by an

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existing substandard entrance. The plan shows a proposal to improve the existing entrance by lowering the southern boundary wall to improve lines of visibility along the class two county road to the west. Observations were received from the Transportation Unit were received stating that there was no objection to the proposal and also suggesting further improvements to the entrance that would mean excavating the site's southern boundary in order to widen the county road in this part of the village. It is not considered that the proposal would have a significantly detrimental impact on road safety and the parking facility is sufficient. The proposal is considered acceptable in relation to Policies CH33 and CH36 of the GUDP and does not undermine policy TRA 2 and 4 of the LDP.

5.15 **Relevant Planning History**

A previous application for the same development was rejected under delegated rights on 17 January 2017 on the basis that:

The dwelling, by virtue of its size and location would lead to an oppressive intrusion that would be harmful to the amenities of residents of neighbouring private property, especially because of its dominating effect and the overlooking that would result. The application is therefore contrary to Policies CH33 and CH36 of the Gwynedd Unitary Development Plan and undermine policy PCYFF 1 LDP.

The current proposal does not mitigate the substantial planning concerns related to the proposal.

6. **Conclusions:**

- 6.1 Having considered all the relevant matters including the local and national policies and guidance and the observations received, this application is considered to be unacceptable as it does not fully satisfy the relevant policies and guidelines noted in the report.

7. **Recommendation:**

- 7.1 To Refuse – reasons

The dwelling, by virtue of its size and location would lead to an oppressive intrusion that would be harmful to the amenities of residents of neighbouring private property, especially because of its dominating effect and the overlooking that would result. . The proposal is therefore contrary to policies B23 Gwynedd Unitary Development Plan and undermines policy PCYFF1.