

PLANNING COMMITTEE	DATE: 26/02/2018
REPORT OF THE SENIOR PLANNING AND PUBLIC PROTECTION SERVICE MANAGER	DOLGELLAU

Number: 11

Application Number: C17/0628/39/LL

Date Registered: 24/11/2017

Application Type: Full - Planning

Community: Llanengan

Ward: Abersoch

Proposal: Amend condition 4 of planning permission C15/0901/39/LL in order to amend the design of the proposed house

Location: Land Near Tŷ Adda, Abersoch, Pwllheli, Gwynedd, LL53 7HY

Summary of the Recommendation: TO APPROVE SUBJECT TO CONDITIONS

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1. Description:

- 1.1 It is intended to amend condition 4 of planning permission C15/0901/39/LL which was approved on 15/10/2015 in order to construct the house in accordance with amended plans. The current permission involves constructing a new house within a small estate of dwellings. The plan shows a single-storey dormer with an attached garage. The house would measure 12 metres in length, 8.5 metres at its widest point and 7 metres to the ridge. The house would contain three bedrooms with a bathroom, study and attached garage on the ground floor, and a kitchen, living / dining room on the first floor and a platform to create an access to the garden. The platform, which would measure 3.8 metres in length and 1.4 metres in width, would be placed on the southern elevation. The attached garage would be placed on the eastern gable of the house. The plan shows an intention to install substantial windows and the platform on the southern elevation, and a substantial window on the eastern gable.
- 1.2 The application submitted to the committee involves constructing a single-storey dormer house with a detached garage. The house would measure 13 metres in length, 10 metres at its widest point and 7 metres to the ridge. The house would contain four bedrooms (with two bathrooms) on the ground floor, and a kitchen / living room on the first floor with a platform to create an access to the garden. The platform would be placed on the southern elevation, and it would measure 3.8 metres in length and 1.9 metres in width. It is intended to install substantial windows with a platform on the southern elevation, and a substantial window on the eastern gable. The garage would measure approximately 6.7 metres in length and 4.3 metres in width. The garage is located at the eastern corner of the plot, with access to the estate road. The proposed house is in the same location as the house approved in 2015, but it is noted that the angle of the house has slightly changed. An amended plan was received on 4 January 2018, showing a smaller platform (3.8m in length by 1.4m in width) with plan number 0511-A102 comparing the floor and roof levels of the approved house with those of the proposed house. This plan is submitted as an information pack to the committee.
- 1.3 The site lies within the development boundary of Abersoch. The site is located within the Area of Outstanding Natural Beauty (AONB) and the Llŷn and Bardsey Island Landscape of Outstanding Historical Interest. The site is surrounded by residential dwellings.
- 1.4 The application is being submitted to the Committee on the grounds of a number of objections.

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

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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.

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

TRA 2: Parking standards

TRA 4: Managing transport impacts

PCYFF 2: Development criteria

PCYFF 3: Design and place shaping

PS 17: Settlement strategy

HOUSING 5: Local Market Housing

PS 19: Conserving and enhancing the natural environment

AMG 1: Areas of Outstanding Natural Beauty Management Plans

PS 20: Safeguard and Enhance Heritage Assets

AT 1: Conservation Areas, World Heritage Sites and Landscapes, Parks and Registered Historic Gardens.

2.4 National Policies:

Planning Policy Wales (Edition 9, November 2016)

Technical Advice Note 12: Design

Technical Advice Note 18: Transport (2007)

3. Relevant Planning History:

3.1 C15/0901/39/LL Renew planning permission C11/0277/39/LL for the construction of a two-storey dwelling: Approved on 15 October 2015

C11/0277/39/LL - Renew permission C06D/0575/39/39/LL to construct a two-storey house: Approved 13 June 2011

C06D/0575/39/39/LL - Renew permission C02D/0465/39/LL to construct a two-storey house: Approved 6 December 2006

C02D/0465/39/LL - Amended plans - Construction of a two-storey house: Approved 12 December 2002

C01D/0342/39.LL – Construction of a two-storey house – Approved 31 October 2001

4398A - Allocation for 4 bungalows - Approved 13 April 1957

4398 - Construction of a bungalow - Approved 19 December 1955

4. Consultations:

Community/Town Council: Object because it overlooks neighbours, the balcony is significantly larger than the one in the original plan and an 'escape' staircase is unnecessary for a two-storey house.

Transportation Unit: No objection to the amended plan.

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Welsh Water: No observations. Recommend including standard water conditions on any permission.

AONB Unit: The site in question is amongst other houses on the outskirts of Abersoch and within the AONB.

The site is not prominent in the landscape and there is variety in the type of house designs within the area. It is not believed that the development would affect the AONB.

Public Consultation: A notice was posted on the site and nearby residents were notified. The advertisement period has expired and a letter of correspondence was received objecting on the following grounds:

- The balcony would affect the amenities and privacy of nearby residents.
- A gable end window would affect the privacy and amenities of nearby residents.
- The garage's new location is likely to have a detrimental impact on a mature tree
- It is not possible to enforce a condition stating that a platform cannot be used as a balcony.
- The platform is unnecessary

5. Assessment of the material planning considerations:

The principle of the development

5.1 The proposal involves building a one-storey dormer house on a site within the Abersoch development boundary. Planning permission was granted for a one-storey dormer house on the site on 15 October 2015 and this permission is extant. The current application is for the modification of condition 4 of this permission in order to be able to construct the development in accordance with amended plans. The original application was approved under the GUDP which was in force at the time. The GUDP has now been succeeded by the LDP. The relevant housing policy in this plan is Policy TAI 5 which requires new houses within the Abersoch development boundary to be open market housing. However, due to the fact that in question here is the amendment of a condition, and the house could be constructed in the manner that has already received permission as an open market house, the principle of constructing an open market house on the site has been established. As the principle of constructing the house as an open market house has been established, it is not considered that the requirements of policy TAI 5 of the LDP are relevant in this case.

Visual amenities

5.2 This is an application to change the design of the proposal which received permission under application C15/0901/39/LL. The main changes in terms of the proposal's appearance includes:

- Re-locating the platform on the first floor.

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- A slight change to the angle of the house.
- Erection of detached garage.
- Changing the design of the northern elevation to include two dormer windows instead of one
- The size of the new house would be slightly larger than the house that was approved.

5.3 The amended proposal is similar in terms of appearance to what was previously approved. It is likely that the main change involves changes to the design of the northern elevation, erecting a detached garage and the layout of the house. However, it is not considered that doing so would have a detrimental impact on the area's visual appearance. It is not considered that the proposed amendments would have a detrimental impact on the proposal's design in its entirety. In its entirety, it is considered that the proposal, in terms of its design, is acceptable and that the proposal would not have any greater impact than what has already been approved. Also, it is not considered that its impact would be different to what has already been approved in terms of views. The property is located within the AONB. However, it is not considered that the proposed change, as part of this application, would have a detrimental impact on the character of the AONB. Note that the Council has received a letter from a local resident, feeling concerned that the amended location of the garage would have a detrimental impact on the roots of a tree located outside the plot. A Biodiversity Officer from the Council was asked to visit the site to look at the tree and assess the situation. It is intended to report further to the Committee after receiving the Unit's observations. To this end, it is believed that the proposal is acceptable based on the requirements of Policy PCYFF 3 and AMG 1 of the LDP.

5.4 The site lies within the Llŷn and Bardsey Island Landscape of Outstanding Historic Interest. Policy AT 1 states that consideration will be given to the information about the Historic Landscapes if it has been assessed that the impact of proposals is on such a scale and so large that their impact would be greater than merely a local impact. The proposed amendments are not considered likely to have a greater than local impact and the proposal would not, therefore, have a wider impact on the historic landscape. Therefore, the proposal is not considered to be contrary to Policy AT 1 of the LDP.

General and residential amenities

5.5 The application was advertised near the site and nearby residents were notified, and objections were received on the grounds of loss of privacy and overlooking. A letter was also received expressing concern about the impact of the proposal on a tree, but this matter will be discussed under the Visual Amenities heading. It must be realised that planning permission has been approved to construct a one-storey dormer house on the site and this permission is extant. It is also realised that the approved plans include living rooms / kitchens on the first floor with substantial windows and a platform in order to create an access to the garden. Note that the Council has received objections from local residents on the grounds of overlooking and loss of privacy and, after discussing the matter with the applicant, an amended plan was received showing that the size of the platform had been reduced to be of the same size as the platform approved in 2015, namely 3.8m by 1.4m. It should also be noted that the platform has been placed further toward the centre of the house and therefore is more acceptable in terms of impact on residents.

5.6 The neighbours' concerns are acknowledged; however, the fact remains that there is planning permission for a house with a kitchen, living room, substantial windows and a platform on the first floor, and this plan could be implemented whether this application was approved or refused. A situation of the sort is considered as a fall back,

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which is an important planning consideration, and creates a situation where it would be difficult to refuse the existing application. It should also be realised that the platform is located approximately 19 metres away from the nearest residential house, and the house would also be at an angle compared to the location of the surrounding houses, which would avoid direct overlooking into any house. Nevertheless, the potential of overlooking into adjacent private gardens must be considered but, in this case, it is considered that the distance between the new house and the nearby houses and their gardens prevents this to a level that would be considered unacceptable.

- 5.7 In terms of placing a condition to prevent use of the platform as a balcony, it must be considered whether this meets the criteria for imposing planning conditions. It is true that a previous condition has been imposed which prevents this, but after reconsidering the situation, it is not considered that this is a reasonable or necessary condition and it would be very difficult to enforce it. The fairly narrow size of the platform is likely to naturally restrict its use but, even if it were to be used as a balcony, it is not considered that this use would have a detrimental impact on nearby amenities based on its location and distance from nearby houses and gardens. The area is an established residential area with houses in every direction and therefore an element of low level disturbance is expected from the current residential use in addition to an element of overlooking.
- 5.8 In these circumstances, it is not considered that there are any grounds for refusing the application, and a planning condition to prevent use of the platform as a balcony cannot be justified either. It is not considered that there would be any unacceptable impact deriving from the proposal; due to the location of the house on the site and the location of the site in relation to nearby property within a residential area. The proposal is considered to be acceptable in relation to Policy PCYFF 2 as it is not considered that it would cause significant harm to the amenities of the local neighbourhood.

Transport and access matters

- 5.9 The site and other houses are served by a private estate road. There will be no direct impact on any public road as a result of a proposal to amend the design of a house that has already been approved, in addition to relocating the garage. The proposal is unlikely to have a substantial detrimental impact on road safety. The Transportation Unit is satisfied with the access and parking situation; therefore, it is considered to be in compliance with the requirements of policy TRA 3 and TRA 4 of the LDP.

Any other matters

- 5.15 Following a consultation on the original plans, observations were received objecting to the proposal on the grounds of overlooking and loss of privacy. As a result of these observations, amended plans were received and these are discussed above.

6. Conclusions:

- 6.1 Having considered the above and all the relevant planning matters including the local and national policies and guidance, as well as the observations received, it is believed that the proposal is acceptable in terms of principle and design and based on the matters noted in the report. The proposed development would be unlikely to have a significant detrimental impact on views within the Area of Outstanding Natural Beauty, road safety and would be likely to have an impact on the amenities of nearby residents.

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7. Recommendation:

7.1 To approve – conditions:

1. Five years
2. In accordance with the amended plans dates 04/01/2018 and 24/01/2018
3. Slate for the roof of the house and garage
4. Agree on the external finish
5. Landscaping plan
6. Welsh Water conditions