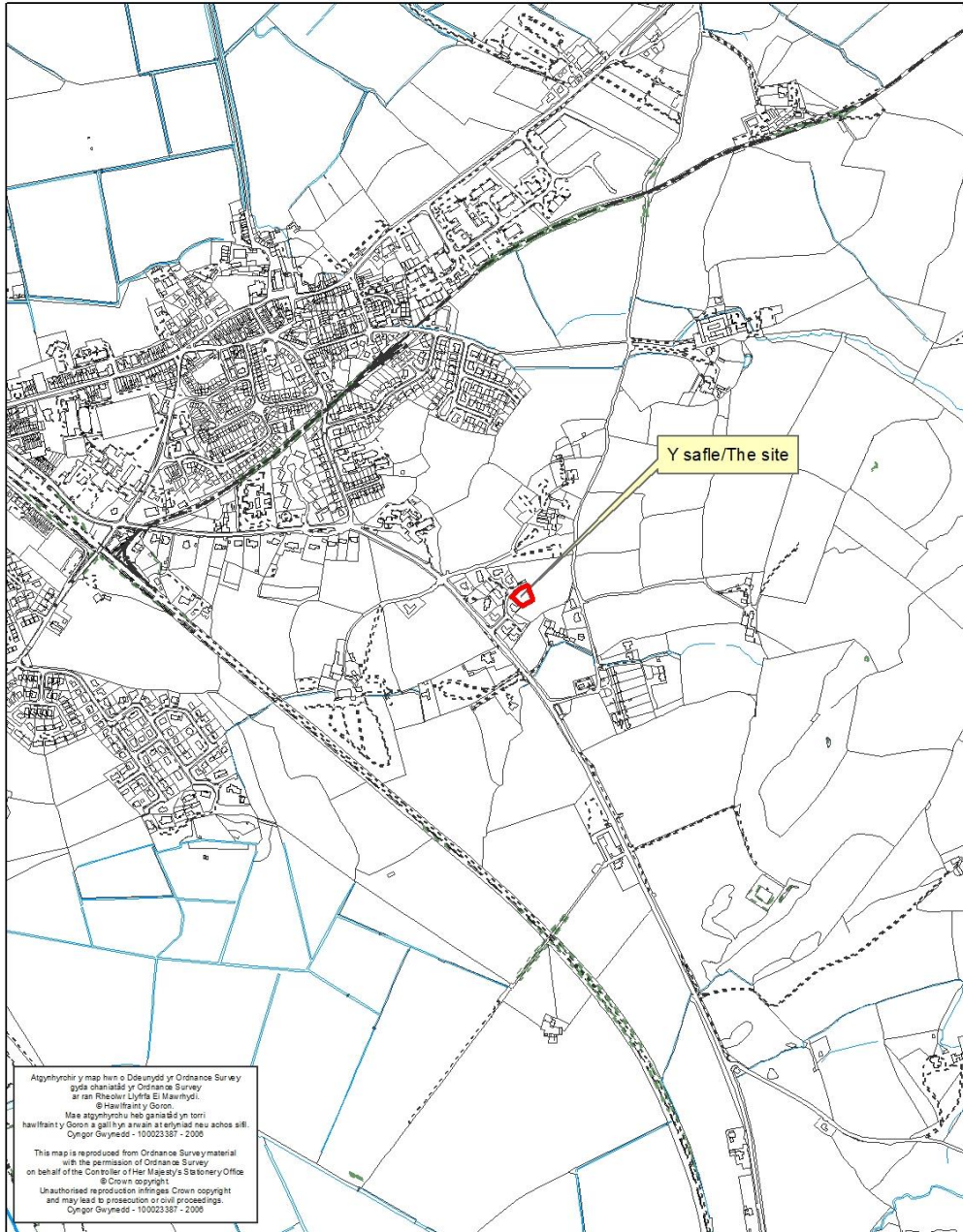


Number: 6



Rhif y Cais / Application Number : C15-1039-09-LL

Cynllun lleoliad ar gyfer adnabod y safle yn unig. Dim i raddfa.  
Location Plan for identification purposes only. Not to scale.



PLANNING COMMITTEE	DATE: 14/12/2015
REPORT OF THE SENIOR PLANNING AND ENVIRONMENT SERVICE MANAGER	CAERNARFON

Application Number: C15/1039/09/LL  
Date Registered: 22/10/2015  
Application Type: Full - Planning  
Community: Tywyn  
Ward: Tywyn

Proposal: APPLICATION FOR REVISED PLANS TO ERECT A DETACHED DWELLING APPROVED BY OUTLINE PERMISSION REFERENCE 5/79/134 AND DETAILED PERMISSION PIAW 5/79/134.

Location: 5, BRYN GARREG LWYD, TYWYN, GWYNEDD, LL36 9HE

**Summary of the Recommendation:** TO APPROVE WITH CONDITIONS

**1. Description:**

1.1 The application is a full application for revised plans to erect a single-storey house with a garage underneath, which was originally approved under outline permission reference 5/79/134 (dated 22 September 1988) and detailed reserved permission PIAW 5/79/134 (dated 26 June 1990). Confirmation has been provided in the past that this permission remains extant under the provisions of Section 56 of the Town and Country Planning Act 1990 (as amended), as the development had been commenced within five years in accordance with the planning permission.

1.2 The house, which has now been partly built, stands in the middle of a partly-developed housing estate on land located within the Tywyn development boundary in the Unitary Development Plan. Several of the houses which have been built on the estate have received planning permission to amend the design and location in the past. The plans submitted with the current application include a single-storey house with a garage underneath, and a living room, a dining room/kitchen, a multi-purpose room, four bedrooms and a bathroom. It is intended to finish the dwelling with brick and render for the external walls and a slate roof.

1.3 The current application includes the following amendments to the originally permitted application:

- install three windows on the rear elevation of the dwelling rather than four;
- an additional window to be installed on the north-eastern elevation of the dwelling;
- a solid wall on the dwelling's south-western elevation rather than conservatory windows;
- amendments to the layout of rooms within the dwelling;
- increase the length of the dwelling from approximately 17.9m to 18.3m;
- increase the width of the dwelling from approximately 11m to 10.4m;
- provide one opening door to the garage rather than two;
- amendment to the design of the steps which lead to the front door;
- abolish the chimney;
- additional side window in the part which extends out on the dwelling's front elevation;
- amendment to the design of the balcony on the dwelling's front elevation;
- amendment to the location of the dwelling within the plot;
- construct a wooden decking at the rear of the dwelling.

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- 1.5 The site was inspected on 14 September 2015 when it was confirmed that the dwelling does not comply entirely with the original planning permission.
- 1.6 A Design and Access Statement was submitted as part of the application.
- 1.7 The matter is submitted to the Planning Committee as three or more objections to the application have been received.

## 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 in accordance with the Development Plan, unless material planning considerations indicate otherwise. Planning considerations include National Planning Policy and the Unitary Development Plan.

### 2.2 Gwynedd Unitary Development Plan 2009: (GUDP)

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.

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

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

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 development boundaries of Local Centres and Villages if they conform to criteria aimed at ensuring an affordable element within the development.

CH33 – SAFETY ON ROADS AND STREETS – Development proposals will be approved if they comply with specific criteria relating to the vehicular entrance, the standard of the existing roads network and traffic calming measures.

CH36 – PRIVATE CAR PARKING FACILITIES – Proposals for new developments, extensions to existing developments or change of use will be refused unless off-street parking is provided in accordance with the Council's current parking guidance. Consideration will be given to the accessibility of public transport services, the possibility of walking or cycling from the site and the proximity of the site to a public car park. In circumstances where there is an assessed need for off-street parking and where the developer does not offer parking facilities on the site, or where it is not possible to take advantage of the existing parking provisions, proposals will be approved provided the developer contributes to the cost of improving the accessibility of the site or providing the number of necessary parking spaces on another site nearby.

### 2.3 National Policies:

Planning Policy Wales (Edition 7) (2014)  
TAN 12: Design

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### 3. Relevant Planning History:

- 3.1 5/79/134 – Outline permission for a residential development - to approve with conditions - 22 September 1988
- 3.2 PIAW 5/79/134 – Details for the construction of 23 dwellings - to approve with conditions - 26 June 1990

### 4. Consultations:

Town Council: Not received.

Transportation Unit: No objection to the proposal. The parking provision indicated is acceptable and a standard note is recommended regarding constructing the entrance and crossing the verge at the front of the property.

Public Consultation: A notice was posted on-site and nearby residents were informed. The consultation period ended and the following objections were received which are valid planning considerations:

- Over-looking into 4, Bryn Garreg Lwyd from the rear wooden decking;
- The development does not comply with the originally permitted plans;
- The dwelling is too high;
- The development is not in-keeping with the rest of the estate;
- Concern about the intention to create a second-storey as there is a roof window on the rear elevation of the dwelling;
- There is potential that the amendments to the original design of plots 3 and 17 will cause overlooking;
- The standard of surface water drainage.

In addition to the above objections, objections were received that were not valid planning considerations, which included:

- Concern that residents were not notified prior to the commencement of construction;
- Local residents have not had the opportunity to express their opinion on the development prior to its commencement.

### 5. Assessment of the material planning considerations:

#### The principle of the development

- 5.1 The principle of developing an estate of residential houses has already been formed on the site since the approval of the outline planning permission in 1988, and the details of the development in relation to the layout of the estate were permitted in 1990. As this permission has been implemented within the designated time on that original planning permission, it is important to note that the principle of developing a house on this site has already been created.

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- 5.2 Having received a complaint, an Enforcement Unit officer inspected the site when it was confirmed that the work of erecting the house was not entirely in accordance with the plans approved. Following discussions between Enforcement Unit officers and the applicant's agent regarding the lack of compliance with the permitted plans, the current amended application was submitted to the Local Planning Authority.
- 5.3 The site is located within the development boundary of Tywyn as noted in the GUDP, and as already noted the principle of developing a dwelling on this site has already been accepted and formed via historical permission, and therefore the UDP policy which relates to constructing new houses within boundaries (CH4) is not relevant, as the application does not involve considering the site's development principle for a new house but rather involves assessing an amended design.

#### **Visual amenities**

- 5.4 The site is located in a residential estate on the outskirts of the town of Tywyn, and policies B22 and B25 of the Unitary Development Plan are the considerations for assessing the elements of the application which involve visual amenities.
- 5.5 The plot is located in the middle of the estate and is not visible from the county road which lies to the west of the site. The plot forms an integral part of the pattern of the estate which has already received planning permission, and the garage underneath the building has been sunken into the ground. There is a mixture of single-storey and two-storey houses on the estate, and although the dwelling is on the plot which is on a slightly higher level than the previously developed houses on the estate, it is not considered that its setting would have an impact on the area's visual amenities. The general designs and finish of the dwelling are in-keeping with the design of the house which was previously permitted, apart from some changes regarding the amount and location of windows, a change to the location and design of the front steps, and that the length of the house is slightly longer and its width slightly smaller than what was previously permitted. A concern was received regarding the fact that there is an intention to create an additional storey in the dwelling, as a roof window has been installed on the dwelling's rear elevation. Confirmation was received from the applicant's agent that the intention is to install a solar panel on the roof on this elevation. It is intended to finish the dwelling with bricks which are in-keeping with other houses on the estate, and it is intended to impose a condition on the permission noting that the finish of the remainder of the walls should be agreed upon. It is considered that the design and finish of the dwelling are in-keeping with the remainder of the estate.
- 5.6 It is not considered that permitting the application with the proposed changes would have a substantial detrimental impact on the character and appearance of the neighbouring area. It is therefore considered that the proposal complies with policies B22 and B25 of the GUDP.

#### **General and residential amenities**

- 5.7 The application was advertised on-site and nearby residents were notified and letters of objection were received. Some of the concerns noted by the nearby residents have already been noted above.
- 5.8 It is acknowledged that objectors have concerns regarding the lack of compliance with the previously permitted plans. However, it should be acknowledged that the changes to the design of the dwelling as it was permitted are not significant in terms

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of visual changes and changes to size, and they would not impact neighbouring houses more than the previously permitted plan.

- 5.9 Note that the objectors claim that the plans should not be changed following permission being granted. The Gwynedd Council Enforcement (Planning) Policy 2010 states that a retrospective application could be submitted to the Council in order to regulate the unauthorised development with appropriate conditions and in order to create an acceptable development. It is not considered that this retrospective application undermines the planning process.
- 5.10 A concern was received regarding the impact of the intention to construct a wooden decking at the rear of the dwelling on the privacy of 4, Bryn Garreg Lwyd. It is not considered that this element of the development would lead to unreasonable over-lookng. It is considered that there would be a solid wall on the corner of the south-eastern elevation of the dwelling rather than glass as noted in the originally permitted plan, which would offer an improvement in terms of safeguarding the privacy of nearby properties. When considering applications on this estate it is important to consider the potential for amendments to the designs and finishes of individual houses to impact houses which are part of the extant planning permission but which have not yet been constructed. The development includes installing an additional frosted glass window on the north-eastern elevation of the dwelling, to ensure that there would be no overlooking for residents on plot 7. It is considered that it is reasonable for an opaque glass condition to be included for this window. It is not considered that the proposal would impact the residential amenities of others on the estate given the distance and the difference in levels. It is also emphasised that the precedent of developing a dwelling of this height has already been formed by that permission. Concern was expressed regarding the height of the dwelling. It is considered that the size of the dwelling is acceptable and that it is in-keeping with the remainder of the estate which is a mixture of single-storey and two-storey houses, and therefore, as already noted, the precedent of developing a dwelling of this height on the site has already been created.
- 5.11 Therefore, it is not considered that the proposal is contrary to policy B23 of the GUDP.

### **Transport and access matters**

- 5.12 The house is served by an access road to the estate. Planning permission has already been approved for a dwelling on the plot and, consequently, it is not considered that the proposal would have a significant detrimental effect on road safety and this opinion was confirmed by officers from the Transportation Unit. The proposal is not contrary to policy CH33 and CH36 of the GUDP.

### **Response to the public consultation**

- 5.13 An objection was received on the grounds that nearby residents had not been notified of the development prior to the commencement of works on the site. As has already been noted in this report, the precedent of developing a dwelling on the site has already been created by an extant planning permission, and therefore it was not required for the developer to notify the Planning Service that he was commencing on the development work nor for the Planning Service to notify the residents. In addition, concerns were received regarding the standard of the draining of surface water draining; the applicant has stated that surface water would be drained using a

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soak away method. This is in line with the original plans for developing the estate and it has been given to understand that it will be necessary for the development to comply with the current building regulations in terms of drainage; it is considered that this will alleviate concerns from this perspective.

- 5.14 Full consideration was given to the relevant matters raised as a result of the public consultation on the application, and these concerns would not justify refusing the application.

## **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 Local Planning Authority has already permitted the construction of a house on-site and it is not considered that the amendments to the design and size are sufficient to justify refusing the application. It is not considered that the proposal, in accordance with the conditions noted below, would have a significant impact on the visual amenities of the area nor those of the neighbouring residents and it is considered that the proposal conforms to all the policies noted in this report.

## **7. Recommendation:**

- 7.1 To approve the application subject to the following conditions:
1. Develop in accordance with submitted plans;
  2. Agree on the finish for the remaining external elevations;
  3. Submit a landscaping plan within 2 months from the date of permission;
  4. Implement a landscaping plan within the first planting term following its approval;
  5. Abolish some permitted development rights and install opaque glass for some windows.