

PLANNING COMMITTEE	DATE: 10/01/2022
REPORT OF THE SENIOR PLANNING AND PUBLIC PROTECTION SERVICE MANAGER	

Number: 7

Application Number: C21/0859/42/DT

Date Registered: 31/08/2021

Application Type: Householder

Community: Nefyn

Ward: Morfa Nefyn

Proposal: Demolition of existing garage and construction of new garage

Location: Môn Arfon, Lôn Pen Rhos, Morfa Nefyn, Pwllheli, Gwynedd, LL53 6BL

Summary of the Recommendation: APPROVE WITH CONDITIONS

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1. Description:

- 1.1 Proposal to demolish existing garage and construction of a new garage.
- 1.2 The new garage would include space for 3 vehicles on the ground floor with stairs leading up to the first floor/roof space, which has been designated as an office. Externally, the walls would be finished with render, timber cladding and a slate roof. There would be 3 rooflights plus a gable end window, 3 standard garage doors and a door/window. The internal ground floor area would measure 7.4m by 5.4m, the first floor 7.4m by 3.4m and 5m high to the ridge. The internal ground floor area of the existing garage measures 4.8m by 4.6m, the first floor (store) is also 4.8m by 4.6m, and 4.7m high to the ridge. There is one standard garage door to the front along with a side door and windows on both gable ends. Externally, it is finished with a slate roof and pebble-dashed walls.
- 1.3 The site is located within the existing Morfa Nefyn development boundary. It is within a residential area that is mixed in type and form. Vehicular access to the site is via the adjacent Tŷ'n y Mur residential estate and then via a private access road into the site itself. The existing site includes a semi-detached house with a spacious garden to the rear where the existing garage and entrance are located. The site boundaries are a mixture of stone walls, timber fences and established hedges. Trees are scattered within the site and on adjacent sites. The site and its surroundings are located within the Llŷn and Bardsey Island Landscape of Outstanding Historic Interest. Residential dwellings surround the rear of the site.
- 1.4 The application is submitted to the Committee at the local member's request on the basis of over-development of the site.

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 The Well-being of Future Generations (Wales) Act 2015 places a duty on the Council to take reasonable steps in exercising its functions to meet the seven 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, 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 **Anglesey and Gwynedd Joint Local Development Plan 2011-2026, adopted 31 July 2017**
- PCYFF 1 – Development Boundaries
- PCYFF 2 – Development criteria
- PCYFF 3 – Design and place shaping
- TRA 2 – Parking standards
- TRA 4 – Managing transport impacts

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AT 1 – Conservation areas, world heritage sites and landscapes, parks and registered historic gardens

AMG 5 – Local Biodiversity Conservation

2.4 **National Policies:**

Future Wales: The National Plan 2040

Planning Policy Wales (Edition 11 - February 2021)

Technical Advice Note 12: Design

Technical Advice Note 5: Planning and Nature Conservation

3. **Relevant Planning History:**

3.1 C15/1176/42/LL – single storey rear extension - approved 16/12/15

C14/0133/42/TC - lawful use certificate to build a single storey extension - approved 30/03/14

4. **Consultations:**

Community/Town Council: Refuse - the size and design of the proposed garage is too large compared to the existing one.

Transportation Unit: I refer to the application above and wish to state that I do not intend to submit a recommendation as it is assumed that the proposed development will not have a detrimental impact on any road, or proposed road.

Welsh Water: Standard advice and response in relation to drainage matters.

Biodiversity Unit: A protected species (bats) surveillance condition will be required. Work must be suspended if protected species are found and Natural Resources Wales must be informed. Birds may be nesting in the building. The situation for nesting birds should be assessed before work begins unless the work takes place outside the breeding season (March to August).

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Public Consultation: A notice was posted on the site and nearby residents were notified. The advertisement period has expired and two letters / items of correspondence have been received objecting on the following grounds:

- Over-development
- New location is likely to affect residential amenities
- Concern that it would be converted into a living unit
- The size of the existing house is substantial, there is no need for more space

5. Assessment of the material planning considerations:

The principle of the development

- 5.1 It is mandatory for planning applications to be determined in accordance with the adopted development plan, unless other material planning considerations state otherwise. The Anglesey and Gwynedd Joint Local Development Plan (LDP) is the adopted 'Development Plan' in this case.
- 5.2 The site lies within the development boundary of the Coastal/Rural Village of Morfa Nefyn as defined by the LDP, therefore the application is consistent with Policy PCYFF 1 of the LDP. Policy PCYFF 3 also permits the principle of new developments and alterations, subject to a series of criteria that are discussed in greater detail below. Overall therefore, this proposal is consistent with the general principles of the adopted Development Plan.

Visual amenities

- 5.3 The main policy to consider in relation to this aspect is Policy PCYFF 3 of the LDP which states that all proposals are expected to demonstrate a high-quality design that gives full consideration to the context of the surrounding built environment. It also emphasises that plans for new developments will only be approved provided they can comply with a series of criteria.
- 5.4 Although it is acknowledged that the new building would be larger than the existing building, bearing in mind the developed nature of the area, we do not believe it would constitute a dominating feature in the townscape, nor would it cause a significant harmful impact to the appearance of the site or the surrounding area. We believe a pitch roof and external finishes would suit the site, and a condition could be imposed to ensure that roof slates of the appropriate colour are used to match the surrounding buildings. The site is relatively secluded with no public roads or public footpaths located directly nearby, therefore we do not believe that it would be clearly visible from public view.
- 5.5 Considering the scale of the building in respect of its built context, we believe the new building would respect the context of the site and be in keeping with the surrounding area. There is an extensive garden attached to the property and we do not believe that there would be a significant loss of land as a result of the new building, and therefore we do not believe that it would be an over-development of the site in this respect. Nor would it be located where it would interfere with the existing vehicular access into the site. Having considered the proposal as a whole, it is not

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believed that it would be completely unacceptable within the site nor that it would affect the visual amenities of the area to an unacceptable degree, as a result, it is considered acceptable in terms of the relevant criteria of policy PCYFF 3.

- 5.6 The site and area lie within the West Llŷn Landscape of Outstanding Historic Interest, but considering its location amongst other dwellings in the centre of the village of Morfa Nefyn, it is not believed that the proposal in question would affect the character of the historical landscape. It is therefore considered that the proposal is acceptable and in accordance with the relevant requirements of Policy AT 1 of the LDP.

General and residential amenities

- 5.7 A neighbour has expressed concern regarding the possibility that the first floor of the building would be used for residential purposes (holiday unit) and that it would affect their amenities on the basis of its size and location. It is noted that the location of the existing building (located directly behind) does not impose on the neighbour's garden but that the new building would change that. Consideration of loss of view as the neighbour points out is not a material planning consideration, however, consideration must be given to whether the building would be overbearing in terms of its impact on adjacent houses. The rear wall of the existing garage is part of the existing boundary and the proposal involves erecting the new building approximately 0.5m away from the boundary. It is agreed that the new building will extend approximately 3m further from the garage's existing gable end, and therefore, it is likely that the situation would change from the current situation. However, it is not considered that the proposal is likely to have an unacceptable impact due to its size and location and the distance between buildings. Care has been taken to avoid locating windows that would directly overlook neighbouring houses. It must be borne in mind that this is an established and relatively dense residential area where gardens abut one another and, as a result, disruption is inevitable.
- 5.8 Consideration must also be given to the fact that such a residential site has rights to developments without the need for formal planning permission and that it would be possible to erect a substantial building (given the existing size of the curtilage) without planning permission. These rights reduce if a building is to be erected within 2m of the boundary, but if erected more than 2m of the boundary, there would be a right to erect a building of up to 4m to the ridge, which is 1m lower than what is proposed here. It would not be possible to control with such building conditions as permission would be needed for it.
- 5.9 Therefore, having considered the impact in its entirety and having assessed the relevant considerations in full, it is not believed that the proposal would be entirely unacceptable nor, therefore, contrary to the relevant requirements of policy PCYFF 2.

Transport and access matters

- 5.10 The Transportation Unit noted that it did not believe that the proposal will have any impact on the local county roads network. As already noted above, it is not believed that the location of the new garage would affect the site's access and egress arrangements or the existing parking and turning space. Considering that the proposal in question involves a garage that would create three parking spaces within it, it is not believed that it would harm safety or convenience on the private access road or Tŷ'n y Mur estate road. The proposal is therefore considered acceptable in respect of vehicular access, and complies with Policies TRA 2 and TRA 4 of the LDP.

Biodiversity matters

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- 5.11 The Biodiversity Unit had no concerns regarding the development's effect on wildlife, although they did emphasise that demolition work should be carried out outside the nesting season and that caution should be exercised when demolishing the existing building so as not to cause harm to protected species. Based on this it is believed that the application is acceptable under the requirements of policy AMG 5 of the LDP.

Response to the public consultation

- 5.12 It is acknowledged that concerns had been highlighted by a neighbour, the local member and the Community Council regarding the proposal and, specifically, concern about the future use of the building. What could happen in the future cannot be foreseen but we must consider what has been submitted, namely an application to demolish an existing garage and construct a new garage in its place. It is noted that the roof space of the new building is to be used as an office, but there is no suggestion that there would be any alternative use to that noted. Nevertheless, it is believed that it would be reasonable in this case to include a condition that the building will not be used for any reason other than for ancillary use to the house including as a holiday let.

6. Conclusions:

- 6.1 Having considered the above and all the material planning matters including the local and national policies and guidance and all material observations and objections received, it is believed that this proposal is acceptable based on the above assessment and complies with the relevant policies as noted above.

7. Recommendation:

- 7.1 To approve – conditions:

1. Commence within five years.
2. In accordance with the plans
3. Materials and colours to be agreed
4. Use of the garage to be ancillary to the house only, and no business use
5. Demolition period to avoid the bird nesting season.

Note: Protected Species

Welsh Water

Party wall agreement