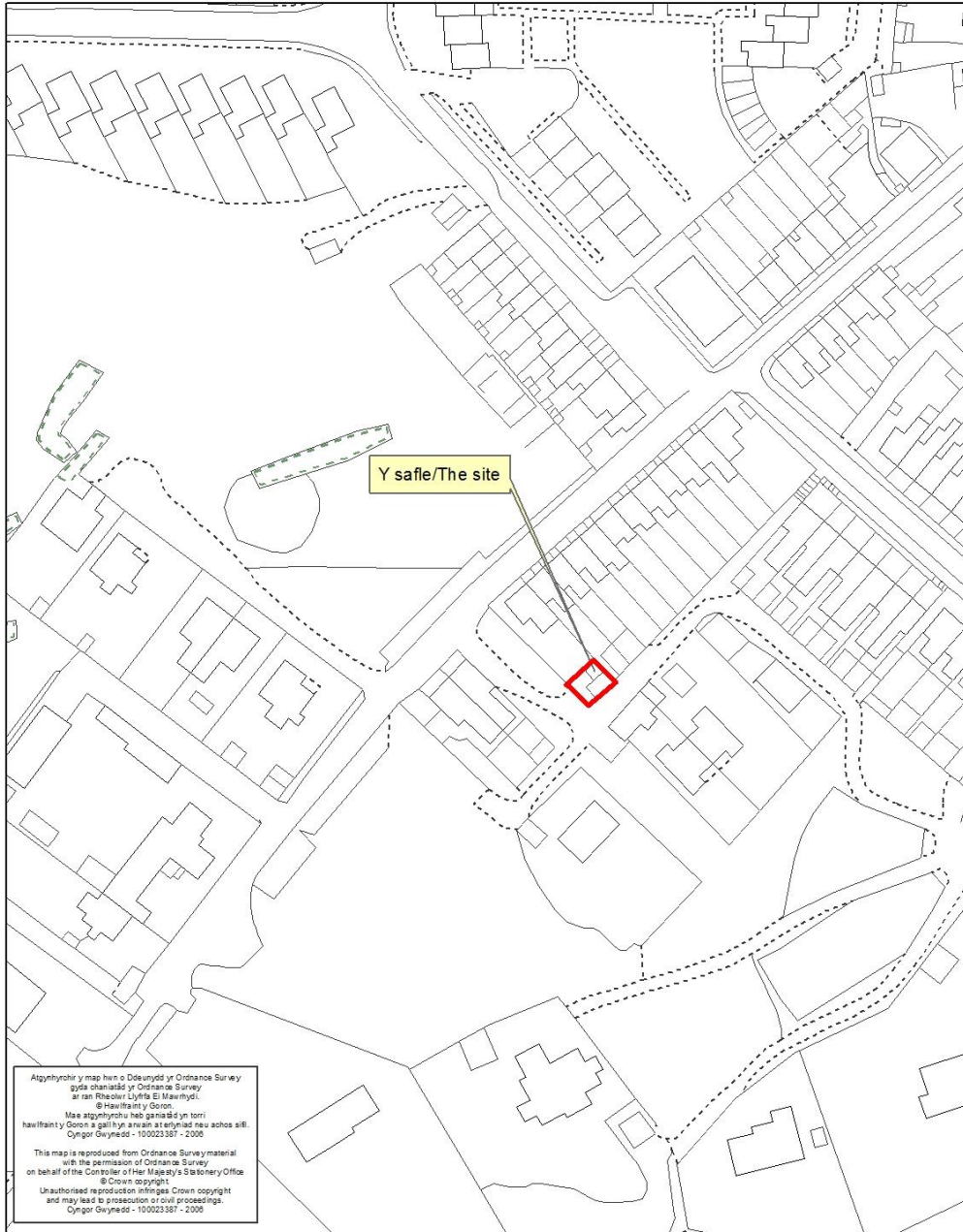


Number: 6



Rhif y Cais / Application Number : C15-1181-44-LL

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



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REPORT OF THE SENIOR MANAGER PLANNING AND ENVIRONMENT SERVICE	GWYNEDD

Application Number: C15/1181/44/LL
Date Registered: 10/12/2015
Application Type: Full - Planning
Community: Porthmadog
Ward: Gorllewin Porthmadog West

Proposal: APPLICATION TO DEMOLISH A GARAGE AND ERECT AN ATTACHED ANNEX IN ITS PLACE

Location: BRYN HYFRYD, 25 , HEOL MERSWY, BORTH Y GEST, GWYNEDD, LL49 9UB

Summary of the Recommendation:

TO APPROVE WITH CONDITIONS

1. Description:

- 1.1 This application is to demolish a garage and erect an attached annex in its place. The site is located at the rear of the existing residential dwelling known as 25 Heol Merswy, Borth y Gest. This property is an end of terrace house with an access track running past the side and to the rear in order to provide vehicular access to other dwellings behind. The existing garage is located at the far end of the property's curtilage and other houses in the terrace have the same type of arrangement.
- 1.2 The proposal entails the demolition of the existing garage and to erect a new structure on more or less the same footprint to form an attached annex to the main property. The new building would measure approximately 6.8m by 5.5m and 2.1m high to the eaves and 4.3m high to the ridge. The building provides a garden room (comprising a lounge and open kitchen), and bathroom together with a spare room to be used as a bedroom/office. The building has sliding doors leading from the garden together with windows on the southern elevation and only the bathroom window on the northern elevation. It is proposed to finish the building in a painted pebble-dash together with slates on the roof.
- 1.3 An amended site plan was received on 10.12.2015 following correspondence questioning land ownership. The concrete area situated in front of the existing garage has been withdrawn from the red line of the application area, as it is the Council who own this section of land. The plan makes no difference to the proposal itself as it was not proposed to use this concrete 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 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:

POLICY B20 - SPECIES AND THEIR HABITATS THAT ARE INTERNATIONALLY AND NATIONALLY IMPORTANT

Proposals that are likely to cause unacceptable disturbance or harm to protected species and their habitats will be refused unless they can conform to a series of criteria aimed at safeguarding the recognised features of the site.

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POLICY B22 - BUILDING DESIGN

Promote good building design by ensuring that proposals conform to a series of criteria aimed at safeguarding 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 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.

POLICY C1 - LOCATING NEW DEVELOPMENT

Land within the development boundaries of towns and villages 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 C7 – BUILDING IN A SUSTAINABLE MANNER

Proposals for new developments or for the adaptation and change of use of land or buildings will be refused where consideration has not been given to specific environmental matters. Proposals must conform to specific criteria relating to building in a sustainable manner, unless it can be demonstrated that it is impractical to do so.

POLICY CH4 – NEW DWELLINGS ON UNALLOCATED SITES WITHIN THE DEVELOPMENT BOUNDARIES OF LOCAL CENTRES AND VILLAGES

Approve proposals to build new dwellings on unallocated sites within the boundaries of Local Centres and Villages provided 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.

2.3 National Policies:

Planning Policy Wales (Edition 7) 2014
 Technical Advice Note (TAN) 12: Design (2009)

3. Relevant Planning History: None

4. Consultations:

Community/Town Council:	It was resolved unanimously to object for the following reasons: The annex is detached from the house and is not attached according to the application. Permitting this would set a precedent for many more similar developments. The house may be let and they could live in the annex as it will not be attached and will create an additional living unit.
Transportation Unit:	It is assumed that the proposed development would not have a detrimental impact on any road or proposed road.
Natural Resources Wales:	Suggest that the council's ecologist should be contacted.

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Welsh Water: Standard conditions

Biodiversity Unit: The building is pebble-dashed has windows and an asbestos roof. It is totally unsuitable for bats. No concerns about the application in relation to biodiversity and no further observations to be made.

Public Consultation: A notice was posted on the site and nearby residents were notified. The advertising period has expired and several correspondences were received objecting on the following grounds:

- Use of the existing main property as holiday accommodation/holiday home
- Provision of separate living unit – link with the main property
- Land ownership issues.
- Impact on privacy and over-development
- Party wall issues, location of guttering
- Parking and access matters
- Impact on electricity / telephone pole
- Sets a precedent for other similar developments on the street.

5. Assessment of the material planning considerations:

The principle of the development

- 5.1 The site is located within the village development boundary of Borth y Gest.
- 5.2 The proposal is to demolish and then to erect a new building to form an attached annex to the existing main property. A residential annex can be defined as accommodation which is supplementary to the main house and is located within its curtilage. It should be used specifically for this purpose i.e. not as the main accommodation for members of the family, or as separate accommodation. Whilst recognising that the provision of such space can be a means of providing accommodation or additional rooms to the main property, e.g. in order to care for elderly or disabled relatives, whilst continuing to provide them with an element of privacy, care must be taken, in particular if the site is in a location where approval for a new residential unit would normally not be granted.
- 5.3 The site is located within the development boundary of the village of Borth y Gest and policy CH4 of the GUDP permits new housing on suitable sites within such boundaries. It is within the curtilage of the existing property and of a similar size to the garage that will be demolished and the garage/garden building directly next door. However, it is considered that its size, location and link with the main property entails that the proposal is not suitable as a new separate dwelling.
- 5.4 There is no physical link between the main house and the annex and the only way into the annex is through the garden of the main property, which is in the same ownership. It is not proposed to provide a separate vehicular access to the annex or to provide separate parking spaces. A concrete area is located directly outside the existing garage and can be used for

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parking but is not included as a parking space on the plans as it is in different ownership to the main property and the application site (it is the council who owns this concrete area). It is considered therefore that there is a sufficient link between the main property and the proposed annex.

- 5.5 It is essential that the annex is ancillary to the main house in order to ensure that it would not create a new unacceptable dwelling within the village. Also in this respect it must be considered whether the annex has been designed and planned in a way that means that it can be used as an integral part of the main house. The annex should not be able to operate totally independently from the main house as this would mean that there would be a risk of subdividing the property in the future. The floor plan is described as a garden room with a spare room/office. The garden room includes a kitchen area and an open lounge and there is a bathroom also within the unit. Although this provides a self-contained unit, its size, nature and location facing the garden with the only access through this existing garden, means that it provides additional rooms/annex in a way that is usual to this type of property and is acceptable in this case.
- 5.6 The floor area of the proposed annex measures approximately 37m², which is substantially smaller than a general full-time self-contained unit.
- 5.7 It is therefore considered that the proposal to demolish the existing garage and to erect a similar building in size to provide an attached annex in its place is acceptable and is a suitable and sustainable way of providing additional rooms without undermining the GUDP's planning policies to erect new housing.
- 5.8 The proposal is suitable in terms of design and scale and in keeping with the garden building/garage directly next door in terms of height; and it is considered therefore that the proposal complies with the requirements of policy B22 of the GUDP concerning building design. The proposal is located within the village boundary and therefore complies with the requirements of policies C1 and C7 of the GUDP dealing with the location of developments and developing in a sustainable way.
- 5.9 The application has been submitted to provide an attached annex to the main property rather than a new house and therefore it is considered that it is possible to make the development suitable by imposing a condition on the consent to ensure that the unit has attached use linked to the main property only.

Visual, general and residential amenities

- 5.10 The proposed building stands more or less on the same footprint as the existing garage (it adds approximately 7m² to the footprint of the existing garage as it is 'L' shaped and the proposed building is square) and it is not higher than the garden building/garage situated exactly next door. It includes a pitched roof and external materials that are in keeping with the area. Therefore, it is considered that the proposal is in compliance with the requirements of policies B22 and B25 of the GUDP regarding design and materials.
- 5.11 Policy B23 aims to safeguard the amenities of the local neighbourhood. The proposal site is at the rear of the garden of the existing property and a number of other houses in this terrace also have attached buildings at the back of their curtilages in this way. The main elevation of the proposed building faces the garden of the linked property (25 Heol Merswy) with sliding doors located on this elevation that provide access into the building. This section of the curtilages of these terraced houses are situated at a higher level than the houses themselves and the property next door had objected on the grounds that the sliding doors would cause overlooking into their property and have provided a photograph from the bedroom window to

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show this. From the photograph it appears that the existing garage building on the site is totally visible from this window with a fairly substantial boundary wall between the two properties. It also appears that the property next door has an attached building at the rear of the garden in the same manner with doors and glass windows on either side on the elevation facing the back of the terraced housing. To this end, it is not considered that the building or the sliding doors are likely to cause significant overlooking into next door's garden in this case, and no more than it would be possible from the existing building already by installing doors or windows in this elevation without the need for planning permission. As these are terraced houses it has to be accepted that an element of joint overlooking is also expected.

- 5.12 The property next door also objects on the grounds of the bathroom window situated in the southern elevation and looking over the path that provides access to the garden next door. Whilst this window is situated in a location where it would be possible to look directly into this path, it is not possible to see any more of the garden next door because of the location of the attached building in the property next door directly on the other side of the path. In addition, the window will be opaque and it appears that a window exists on this elevation in the existing building and also the property next door has an ancillary building with a window looking out in the same direction. It is considered that this window will not be likely to cause significant or unacceptable over-looking in this case.
- 5.13 The objection received from the property next door also notes that it should be the duty of the applicant to erect a fence no more than 6 foot in height on his side of the boundary to mitigate the impact of overlooking and there should be a condition that the applicant cannot erect decking around the annex. Any of these properties (nos. 24 or 25 Heol Merswy) have the right to erect a fence up to 2m in height (approximately 6 foot 6 inches) on their own land to protect their own interests. In this case it not considered to be reasonable to force the applicant to erect a fence as it is not considered that the impact of overlooking is significant or unacceptable. Erecting decking requires separate planning permission and therefore it would be possible to deal with this development if it ever occurred, on its own merit.
- 5.14 Therefore based on the above, it is considered that the proposal is not contrary to the requirements of policy B23 of the GUDP on the grounds of the impact on nearby residents or on the grounds of an overdevelopment of the site.

Transport and access matters

- 5.15 The proposal does not mean providing additional parking and the block plan indicates that parking is available within the curtilage of the main property. The Transportation Unit have confirmed that they are satisfied with the existing parking arrangements and there is no objection to the proposal on the grounds of road safety. Therefore, it is considered that the proposal complies with the requirements of Policy CH33 of the GUDP.

Biodiversity matters

- 5.16 The proposal entails the demolition of the existing garage together with erecting a new building on the site. The Biodiversity Unit has assessed the proposal and has confirmed that it has no biodiversity concerns and it is therefore considered that the proposal complies with the requirements of policy B20 of the GUDP.

Response to the public consultation

- 5.17 Following a period of public consultation, several objections to the proposal were received.

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- 5.18 It is considered that the issues of overlooking, overdevelopment, impact on local amenities and transportation have already been discussed above. It is noted that matters such as guttering, water and a boundary wall are civil issues between the neighbours and not planning matters. Land ownership matters have also been resolved by now and an amended site plan has been submitted to this end.
- 5.19 Observations have been made on the existing use of the property as holiday accommodation. The property is an end of terrace house of general village housing and no barrier exists regarding the nature of their use (i.e. as a permanent house or holiday use) as long as it is a residential use as one house. In addition, the proposal before you is not for a new separate house, but rather for an attached annex and there will be a relevant condition on the planning permission to ensure this. The proposal will not add to the housing stock and will not set a precedent for building houses in the rear gardens nor create new re-housing units in the area. It is not a requirement for the main property to have been included within the red line in the application in order to show that the proposal is for ancillary use to the main property. The plans show clearly that the main property and the annex are in the same ownership.
- 5.20 Observations have also been made regarding the need to move an electricity/telephone pole situated on the site's boundary in order to complete the new building. ScottishPower have separate rights to erect and remove poles (and contact the Local Planning Authority when appropriate) and therefore moving the pole would be a matter for them. It is noted that the location of the new wall is the same as the location of the existing wall and therefore it is possible that there will be no impact on the pole.
- 5.21 It is not considered that the observations received are sufficient to change the recommendation.

6. Conclusions:

- 6.1 Based on the above assessment, it is not considered that the proposal is contrary to relevant policies, nor is there any other material planning consideration that states otherwise.

7. Recommendation:

- 7.1 To approve – conditions
1. Time
 2. In accordance with plans
 3. Slate
 4. Materials
 5. No additional windows will be permitted to be installed without consent from the LPA's
 6. Use to be ancillary to the house only
 7. Welsh Water condition

Notes
Welsh Water
Party Wall