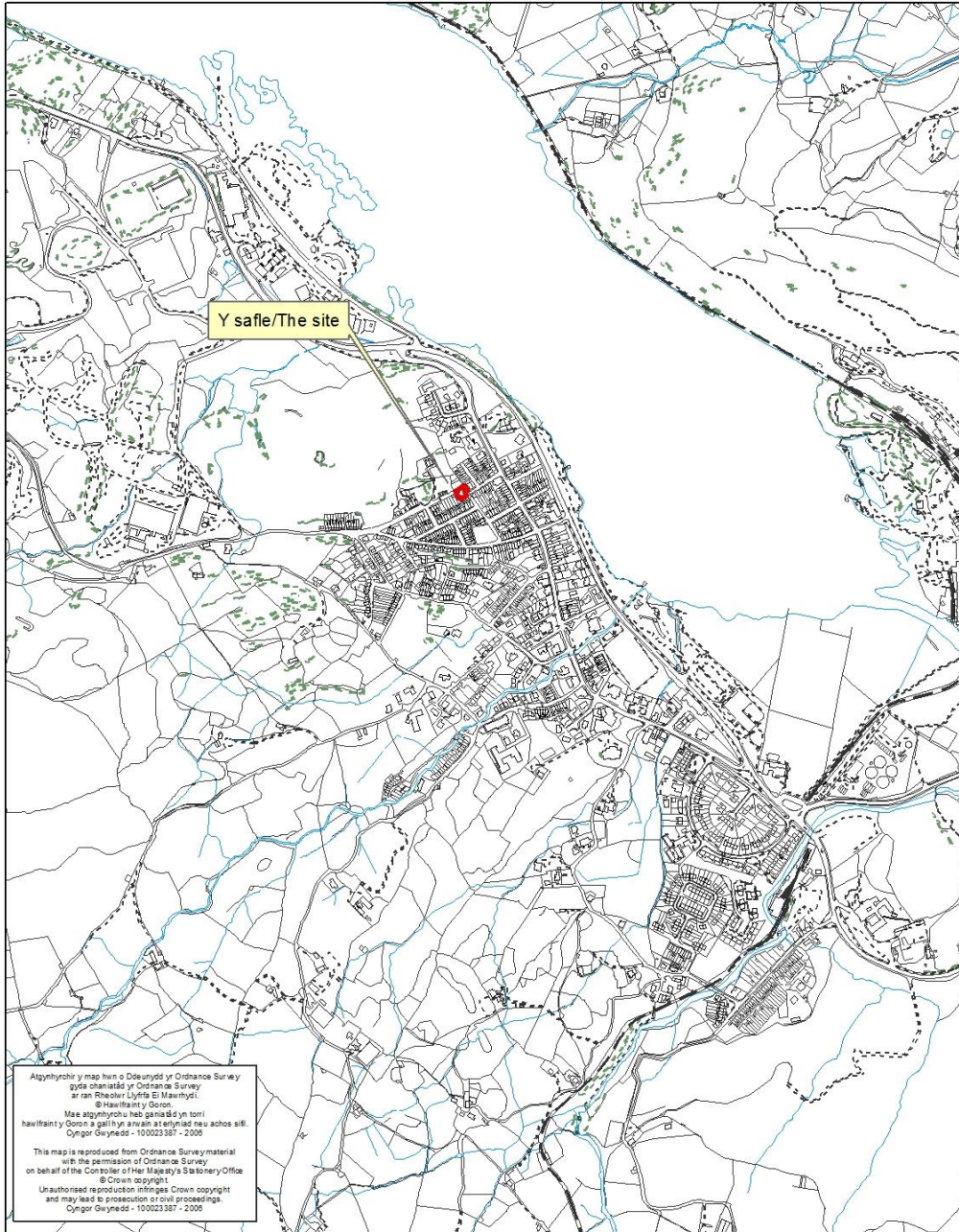


Number: 5.2



Rhif y Cais / Application Number : C16/0149/15/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: 13/06/2016
REPORT OF THE SENIOR PLANNING AND ENVIRONMENT SERVICE MANAGER	CAERNARFON

Application Number: C16/0149/15/LL  
Date Registered: 15/04/2016  
Application Type: Full - Planning  
Community: Llanberis  
Ward: Llanberis

Proposal: ERECTION OF TWO-STOREY, THREE BEDROOMED DWELLING

Location: LAND REAR OF 3, NEWTON STREET, LLANBERIS, CAERNARFON, GWYNEDD LL55 4HN

**Summary of the Recommendation:**

TO APPROVE SUBJECT TO CONDITIONS.

**1. Description:**

- 1.1 This is a full application to construct a two-storey house on a plot of land behind Newton Street and to the south of Water Street and Well Street within the village of Llanberis. Internally, the proposal will contain a study, 2 bedrooms, a bathroom and utility room on the ground floor with a kitchen, bedroom, dining room, lounge and a bathroom on the first floor. Externally, the construction of the house will include a slate ridge roof, rough rendered white walls and UPV-c windows and doors.
- 1.2 Historically, the site was used as a separate parking space and curtilage for number 3 Newton Street and planning permission was granted in 2004 to construct a garage there as well as converting the external building into an annexe. The surface area of the plot is 334m<sup>2</sup> and the house itself, 2 parking spaces and a turning space are located within the site. It is proposed to erect a 1.2m high wall between the rear garden of number 3 Newton Street and the application site. The proposal will also involve burrowing into the land and the nearby rock in order to reduce the height of the house on the site itself. The house is L-shaped in order to make the most of the site in terms of design and amenities.
- 1.3 The site is served from a private drive which connects further on to an unclassified county road. The road also serves a number of private garages as well as the rear of houses on Newton Street. The site is located on a plateau above nearby dwellings and streets with the back gardens of Water Street dwellings to the west of the site, the residential dwellings and unclassified road of Well Street are located to the north and the rear of the dwellings at Newton Street as well as the private drive and open land to the south. The site is located within a development boundary as included in the Gwynedd Unitary Development Plan (GUDP).
- 1.4 Following concerns by the Local Planning Authority regarding the impact of the original house's plan on the amenities of nearby residents as well as its impact on visual amenities and the local landscape, revised plans were submitted which sink the house 1m lower into the land and which also include amendments to some of the windows and re-locate the house a further 1m away from the gable end of number 13 Well Street.

**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 considerations indicate

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otherwise. Planning considerations include National Planning Policy and the Unitary Development Plan.

2.2 Under the Well-being of Future Generations (Wales) Act 2015 the Council has a duty not only to carry out sustainable development, but must also take reasonable steps in exercising its functions to meet its sustainable development (or well-being) objectives. This report has been prepared in consideration of the Council's duty and the 'sustainable development principle', as set out in the 2015 Act, and in making 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. It is considered that there would be no significant or unacceptable impact upon the achievement of well-being objectives as a result of the proposed decision.

**2.3 Gwynedd Unitary Development Plan 2009:**

**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 of the Plan area by ensuring that only natural Welsh slates or slates that are similar in terms of their appearance, colour and weathering properties are permitted, other than in circumstances in which the type of building or its particular setting, or the sustainability benefits, are such that another material would be appropriate. In respect of other parts of the building, development will be required to use high quality building materials that complement the character and appearance of the local area. Proposals that introduce substandard or intrusive materials will be refused.

**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 open countryside will be refused with the exception of a development which is permitted under another policy within the Plan.

**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.

**POLICY 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 guidelines, and having given due consideration to the accessibility of public transport, the possibility of walking or cycling from the site and the proximity of the site to a public car park.

## 2.4 National Policies:

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

## 3. Relevant Planning History:

- 3.1 Application number C04A/0648/15/LL - construction of garage and conversion of external building into an annexe approved in November, 2004.
- 3.2 A pre-application enquiry was submitted for the construction of a house on the site under reference Y15/002870. The response stated that the principle of constructing a house on the site was acceptable as it was located within the development boundary of Llanberis but there were concerns regarding its design and impact on visual and residential amenities (overlooking nearby properties).

## 4. Consultations:

Community/Town Council:

No objection subject to officers being satisfied that the house does not disturb the amenities of nearby houses and that there is sufficient parking provision within the site.

Transportation Unit:

No objection as two parking spaces and a turning space within the curtilage are shown.

Welsh Water:

No response.

Public Consultation:

A notice was placed on the site and nearby residents were informed of the original plan to construct a house. As a result of advertising this plan, a number of correspondences were received from local residents objecting to the application on the following grounds:-

- If the proposal would be approved, it would involve substantial overlooking and loss of privacy for the occupants of nearby houses.
- A structure of this size would have a detrimental impact on the open landscape that currently exists on the application site and create an oppressive structure to the detriment of residential amenities.
- Erecting a two-storey house on the site would mean darkening nearby dwellings as it would be located between the sun path and the dwellings themselves.

As well as the objections noted above, objections were received which were not

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valid planning objections which included:

- Loss of views of Snowdon.
- Depreciates house values.

Following receipt of the above objections and receiving advice from the Local Planning Authority, the applicant submitted revised plans which show that the house has been sunk 1m into the land in order to reduce its impact not only on the landscape but also on the residential and general amenities of nearby dwellings, the house has been re-located a further 1m away from the gable end of number 13 Well Street and the rear of dwellings at Water Street and there are amendments to some windows on the external elevations of the house itself. The application was re-advertised and two letters were received objecting on the following grounds:-

- The amended proposal would continue to have a detrimental effect on residential amenities by creating an incompatible and oppressive structure.
- The amended proposal would continue to create substantial overlooking and loss of light into nearby dwellings.

## **5. Assessment of the relevant planning considerations:**

### **The principle of the development**

- 5.1 The principle of constructing a new house within a development boundary as included in the GUDP has been based on Policy CH4 which states that proposals to build new dwellings on unallocated sites within the development boundaries of villages and local centres will be approved provided they conform to a number of criteria relating to:-
1. That a percentage of units on each site (which will vary from site to site) are affordable units that meet a general local need.
  2. The size, building plan, design and materials of the affordable house correspond with the particular need for this type of house.
  3. Adequate arrangements are available to restrict the occupancy of the house initially and in perpetuity for a general local need for an affordable house.
- 5.2 Bearing in mind that only one house is being proposed here and the fact that the site itself is located within the development boundary and in an established residential area, it is not believed that there would be justification for it to be an affordable house in order to meet a general local need.

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- 5.3 Policy C1 of the GUDP states that land within the boundaries of towns and villages will be the main focus for new developments. To this end, it is believed that the proposal complies with the requirements of this particular policy as the site is located within the development boundary of the village. Given the above policies, it is believed that the principle of constructing a house on this site is acceptable in principle.

### **Visual amenities**

- 5.4 As referred to above, the site is located on a plateau which partly dominates this part of the village with open views to the east and towards the south and it is important to ensure that no structure constructed here dominates the local landscape and to this end (and following the receipt of advice from Officers) the house would be sunk 1m into the land. This will then enable the applicant to retain the height of the two-storey house to 6m by including rooms in the roof space (this height is lower than the average height of traditional two-storey houses which are approximately 8m high). Given that the design of the house is in L-shaped form, this will also reduce the effect and impact of the structure in the landscape by breaking up the external elevations of the house.
- 5.5 The external fabrication of the house would be of traditional materials that are similar to the external materials of other dwellings in the vicinity of the application site. This can enable the proposed house to assimilate into its background and setting. Despite the site's prominence in the local landscape, it is believed that there will only be intermittent views of the house itself given the layout and design of the house and surrounding streets. Also, its impact on visual amenities will not be more than the impact of similar dwellings within the village which are located on high land, and that this indeed is the nature and character of a village such as Llanberis. Given the above, it is therefore believed that the proposal, as amended, is acceptable based on its effect on the visual amenities of the local landscape and that it complies with the requirements of Policy B22, B23 and B25 of the GUDP and that it complies with the advice included in the TAN 12 document on Design.

### **General and residential amenities**

- 5.6 This assessment has already stated that a number of objections had been received regarding the negative impact of constructing a two-storey house on this site on residential and general amenities of nearby occupants. The main objections were that the new house would mean loss of privacy and create overlooking into the dwellings and their nearby gardens as well as creating an oppressive structure which would darken these dwellings.
- 5.6 As already mentioned, the proposed house is located on a plateau which is higher than the dwellings located along Well Street, Water Street and Newton Street. Number 13 Well Street and its rear curtilage are located adjacent to the northern boundary of the application site with a gap of 4.4m between the external wall of the two-storey extension at number 13 and the eastern gable end of the new house. Number 13 is located 2.2m below the southern part of the application site and a 1.2m high timber fence (as well as a stone wall below) has been constructed on the boundary between both sites (this means that a solid surface measuring approximately 3.4m high exists between number 13 and the application site). There is no window on the southern wall of the extension. A bedroom window is located on the ground floor as well as a frosted glass window (bathroom window) with a second bedroom window on the first floor. Views towards the north from windows on the ground floor

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will be restricted by the timber fence and views from windows on the first floor will be above the roof and curtilage of number 13 Well Street and therefore, to this end, it is not believed that there will be any unacceptable significant direct overlooking into its curtilage. The new house is located 3.2m from the timber fence with a height of 6m which means that the roof ridge of the new house is 3m above the flat roof of the extension at number 13 and 600mm higher than its main roof. As the rear curtilage of number 13 is already restricted and substantially shadowed by the existing wall and fence, it is believed that constructing the house in the location shown in the plans enclosed with the application will not exacerbate the situation to such an extent that the application has a detrimental impact on the amenities of the occupants of number 13 Well Street on the grounds of shadowing and the creation of an oppressive structure.

- 5.8 The back gardens of dwellings at Water Street are located to the north of the application site and the northern boundary of the site is defined by a stone wall slightly higher than 1m which has been constructed on the rock. The rear elevations of these dwellings include a vast number of openings on the ground floor and the first floor and many of them have been extended based on single-storey flat-roof extensions with the farthest end-of-terrace house from the application site extended based on a two-storey extension. The northern elevation of the new house will include two windows on the ground floor (one for the bedroom and one frosted glass window for the bathroom) with a window in the highest part of the gable end to bring light into the kitchen. Views towards the north from windows on the ground floor will be restricted due to the height of the stone wall and the window on the first floor will be above eye level. It is not believed that the privacy of occupants at the dwellings of Water Street will be substantially undermined, also considering that community and tolerable overlooking already exists at the rear of the dwellings. It is also believed that the new house would not create a substantial oppressive structure for the occupants of these dwellings based on its design/scale and its layout in relation to the dwellings themselves.
- 5.9 A plot of open land is located to the south of the application site as well as garages and a private drive which serves the site. There are no residential dwellings near the application site from this direction and therefore, there are no residential amenities to be undermined here.
- 5.10 The back gardens and the rear of the dwellings that are adjacent to Newton Street are located to the east of the application site on land which is 1.5m below the application site. A large number of these dwellings have been extended in the form of flat-roof two-storey extensions and a vast number of external buildings have been located in the back gardens; for example, the two-storey extensions of number 1, 3 (the applicant's property) and 5 Newton Street are located approximately 17m away from the eastern elevation of the new house. The eastern elevation of the new house will include a patio door on the ground floor with a window allowing light into the stairwell and a triangular shaped window within the gable end of the first floor serving the lounge. Two *velux* windows would also be installed in the roof with one of them partially concealed by a substantial rock in this part of the site. The larger of these windows allows light into the lounge and takes advantage of the view of Snowdon. The window sill would be installed 1.1m above floor level and by taking into consideration also the layout of the window itself in relation to the dwellings below, as well as its height above the site's ground floor, it is believed that any views from the window would be above the flat roofs and the main slate roofs of the terrace below. No response to the proposal had been received from the occupants of this terrace following the statutory notification period.

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- 5.11 Given the above assessment, it is believed that the proposal, as amended, would not have an unacceptable substantial impact on the residential and general amenities of occupants who live in the vicinity of the application site. It is not believed that it would create an oppressive structure that causes substantial shadow flicker or lead to loss of privacy and unacceptable substantial overlooking into the gardens and dwellings of these occupants. However, it is recognised that some disturbance would exist during the construction work but it must be borne in mind that this would only be a temporary phase. Therefore, to this end it is believed that the proposal is acceptable based on the requirements of Policy B23 of the GUDP.

### **Transport and access matters**

- 5.12 It is proposed to use the existing entrance to serve the new house. This would involve continuing use of the private drive which connects the site with the local unclassified roads network. It is proposed to create two parking spaces within the curtilage of the new house together with turning spaces and this arrangement is acceptable to the Transportation Unit. It is believed that the local roads network is of sufficient standard to be able to deal with the traffic flow that is likely to derive from this development and which is not dissimilar to the current situation. Therefore, to this end, it is believed that the proposal is acceptable based on the requirements of Policy CH33 and CH36 of the GUDP.

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

- 5.13 As referred to above, objections were received regarding this proposal for a number of reasons including reasons that are not material to planning. It is believed that the relevant planning objections have received full consideration in the assessment and there is no matter that outweighs the policy considerations and the relevant advice noted.

## **6. Conclusions:**

- 6.1 Taking the above assessment into consideration, it is believed that the proposal, as amended, is acceptable and complies with the relevant local and national planning policies and guidelines as noted in the report and that there is no other material planning consideration that contradicts this.

## **7. Recommendation:**

- 7.1 To approve – conditions:-

1. Five years.
2. In accordance with the amended plans.
3. Natural slate.
4. External materials.
5. Removal of permitted development rights.
6. Restrictions on working times.
7. Parking and turning space.