

Number: 5

Application Number: C17/0567/17/LL

Date Registered: 09/06/2017

Application Type: Full - Planning

Community: Llandwrog

Ward: Groeslon

Proposal: Application to demolish the existing dwelling and construct a new dwelling in its place

Location: Tŷ Newydd, Bethesda Bach, Caernarfon, Gwynedd, LL54 5SF

Summary of the Recommendation: TO REFUSE

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C16/0302/17/LL Application to raise the level of the ridge and eaves and erect a two storey extension to the rear of the property - Refused 23 May 2016

C16/0962/17/YM Pre-application advice on an extension

Informal prior discussions about demolishing the existing property and erecting a new property in the context of the Unitary Development Plan policies.

4. Consultations:

Community/Town Council: No objection; however, a member expressed concern that old buildings were disappearing from the landscape and a feature of the area would be lost.

Welsh Water: No observations to offer

Transportation Unit: I refer to the above application, and confirm that I have no objection to the proposal. It is recommended that conditions/notes be included that involve the completion of the entrance in accordance with the plans, surface water and street works on any planning permission granted

Natural Resources Wales: No observations to offer

Biodiversity Unit: Thank you for consulting with the Biodiversity Unit regarding the above application. The likelihood that bats use the house is low; nevertheless, the proposal to demolish the whole building increases the risk that bats would be affected. The other building in the garden to be demolished has stone walls and a slate roof, and so, the presence of bats is far more likely. It is connected to a good habitat and a number of bats have been recorded in the area. For the above reasons, a bat report must be received before the application can be determined. It should include the outcome of the inspection and a survey of bat activity along with mitigation measures if relevant. Any mitigating measures must be incorporated into the amended plans if relevant

Public Consultation: A notice was posted on the site and neighbouring residents were informed. The advertising period ended on 17 June 2017 and correspondence was received supporting the proposal:

- No objection to the new house on the basis of its new location which is farther away than the existing house.

5. Assessment of the material planning considerations:

The principle of the development

5.1 This is an application to demolish the existing property and erect a new dwelling in its place. Policy TAI 13 of the Gwynedd and Anglesey Joint Local Development Plan

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involves proposals to rebuild houses and includes a number of specific criteria. As the site is located outside a development boundary, criteria 1 to 4, 6 and 7 are material.

- 5.2 The property appears to be in relatively good condition, and has not been used recently; it appears as though it had been looked after and had been used prior to being purchased by the current owner. Despite the observations by the Community Council about the proposal stating a concern about the loss of old buildings in the area, the building is not listed and is of no architectural or historical value, and it is not visually special, which would have meant safeguarding or retaining it. Based on this, therefore, it is not considered that the proposal is contrary to criteria 1, 2 or 3 of the policy.
- 5.3 There have been informal prior discussions about the proposal to demolish and rebuild the house; and, although the discussions were informal, and the policies of the Unitary Development Plan no longer relevant, clear guidance has been given on the oppressive impact and impact on the amenities of the nearby property and the basic planning principles are equally relevant here in considering the application in the context of the policies of the Joint Local Development Plan. It is therefore considered that the proposal is contrary to the criteria below of policy TAI 13:
- 5.4 **Criterion number 4: Outside development boundaries, it is impossible to retain the existing building through renovating it or extending it and/or it is possible to demonstrate that repairing the existing building is not economically practical** - Priority is given to renovating buildings before constructing new houses; but, the Local Planning Authority accepts that there are occasions where that is not possible. To this end, this application does not contain any evidence that it is not possible to repair the existing building practically in economic terms (usually, this means submitting a structural report). It is noted, although informal prior discussions with the Local Planning Authority have taken place for the demolition and rebuilding of the property, the applicant has a duty to ensure that evidence is submitted to support his/her proposal in accordance with the planning policies. On this basis, therefore, the proposal is considered to be contrary to criterion number 4 of the policy.
- 5.5 **Criterion 6: Outside the Coastal Change Management Area, a house to be built must be located on the same footprint as the existing building unless relocating within the curtilage can be shown to reduce its visual impact and its impact on local amenities** - The block plan submitted as part of the application shows a proposal to erect the proposed house partly within the footprint of the existing property. The proposal is to slot the house into the site, with the rear extension extending beyond the footprint of the existing property. The ridge of the proposed house is approximately 1m higher than the highest part of the existing ridge. Although the proposed house has been set back in order to reduce its impact on the property that stands directly in front of it; against the pre application advice given, the proposed house has been rotated so that the rear (with large openings and main rooms e.g. large living room, kitchen and bedrooms) faces the adjacent building below, and the front of the proposed house contains the secondary rooms (e.g. bathrooms, office and changing room) and faces open agricultural land. It is therefore considered that neither the location nor the setting of the proposed house attempts to mitigate its impact on local amenities, specifically the existing amenities of the nearby property. On this basis, therefore, the proposal is considered to be contrary to criterion number 6 of the policy.
- 5.6 **Criterion 7: Outside the development boundaries, the setting and design of the new development in its entirety should be of a similar size and scale and it should not create a visual impact that is substantially greater than the existing**

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building, so that it can blend or integrate sufficiently into the landscape. In exceptional circumstances, a larger dwelling of good design that does not lead to a substantially greater visual impact than the existing building could be supported - The proposed house has been located more or less on the same footprint as the existing property (but has been moved back somewhat), and the ridge of the proposed house measures approximately 1m higher than the highest part of the ridge of the existing house, and is approximately 0.5m wider and approximately 5.5m longer than the existing house. It is considered that a house of these measurements that has been sensitively designed in the site and its environment could be acceptable; but in this case, it is considered that the eaves are too high and would, therefore, create a disproportionate design in terms of the surface area of the wall in relation to the roof. This means that this design creates a design structure that is not in keeping with its setting on a hill in open landscape, and would lead to a substantially greater visual impact than the existing building. In addition, the proposed house has been rotated to face the opposite of the existing house; and the proposal is for the back of the proposed house to face the highway that leads up to the site, and also the adjacent property. The rear of the proposed house includes windows for the main rooms, along with bi-folding doors which overlook the rear of the nearby property and a private yard. On this basis, therefore, the proposal is considered to be contrary to criterion number 7 of the policy.

Transport and access matters

- 5.7 The Transportation Unit was consulted with regarding the proposal, and the Transportation Unit has confirmed that it has no objection to the development.

The proposal is considered to be in keeping with the aims of policy TRA4 of the Local Development Plan in terms of access and parking facilities.

Visual, general and residential amenities

- 5.8 The site is located in a rural area outside the centre of the rural village of Bethesda Bach. The property known as Ysgubor Newydd is located directly in front of the property that is the subject of this application. The application site is located on the top of a hill that is higher than the location of Ysgubor Newydd. According to the location and cross-section plans which show the extent of the land owned by the applicant, it appears as though the boundary with Ysgubor Newydd is approximately 10 - 15m away from the front of the property that is the subject of this application. This information is different from the plans submitted along with the previous application, showing that the distance between the existing property and the boundary with next door was only 5-6m.
- 5.9 The proposal involves demolishing the existing property and erecting a new house in its stead, as well as erecting a brand new garage/storage. It is considered that the proposed garage is acceptable in principle in terms of location, design and materials.
- 5.10 As noted above, the bulk of the new house has been moved back from the location of the existing house, but the location of the rear single storey extension is the same as the front wall of the existing property. As has also been previously noted, it is considered that a proposed house of these measurements, sensitively designed to be in keeping with the site and its environment could be acceptable; but in this case, it is considered that the eaves are too high and, therefore, create a disproportionate design in terms of the surface area of the wall in relation to the roof. This means that this design creates a design structure that is not in keeping with its setting on a hill in open countryside and leads to a substantial visual impact that's greater than that of the

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existing building. In addition, the proposed house has been rotated so that it faces the opposite direction of the existing house; of the existing house; and the proposal is for the rear of the proposed house to face the highway that leads up to the site, and the adjacent property.

- 5.11 The proposal also includes the provision of openings in the form of windows and doors to the ground floor and first floor levels to the rear of the property, which overlook the curtilage and rear of the Ysgubor Newydd property. Although both properties stand approximately 15 - 20m away from each other, the level of the land means that the property that is the subject of this application is on a substantially higher level than the level of Ysgubor Newydd, which increases the impact from overlooking and oppressiveness which would likely happen from allowing this proposal since these windows and doors look directly over and down toward the curtilage and property of Ysgubor Newydd. Also, the plans for the rear of the proposed house to face Ysgubor Newydd encourages more intensive use of the curtilage directly outside the bi-folding doors and windows to the main rooms.
- 5.12 It is considered that the pattern for the windows and the floor plan lay out as described above is likely to cause substantial and unacceptable overlooking on the residents of Ysgubor newydd, and in a way that will encourage the residents of the property that is the subject of this application to use and live in the front part of the property and directly outside it.
- 5.13 It is noted that the openings and the main rooms face the only property within a reasonable distance to the application site and that the front elevation looks over a field owned by the applicant and open fields where windows and openings would have no impact.
- 5.14 The applicant and agent are entirely aware that these problems from overlooking and oppressiveness caused by this proposal can be solved. Plans were received that were the subject of informal pre application advice in January of a proposed house of the same measurements (heigh, width etc) with eaves of an acceptable height. It was suggested that those plans would be entirely acceptable should they be rotated so that the front, rather than the rear, of the proposed house faced Ysgubor Newydd. This would overcome the matters of overlooking, and the sensitive design meant that the proposed house was better suited to its location. The agent for the application noted that problems arose in rotating the proposed house because of land levels to the rear of the site but it was suggested that the surface area of the floor could be redesigned to overcome this. The advice given was ignored and this proposal was submitted in its stead.
- 5.15 It is noted that the residents of Ysgubor Newydd had submitted observations on this application noting that they did not think the proposed house would have an impact on their amenities or their property. Despite this, the Local Planning Authority is required to consider the general amenities of Ysgubor Newydd, and anybody who could reside there in future and the officers still consider the proposed house to be unacceptable.
- 5.16 The proposal is considered to be contrary to criterion 13 of policy PS5 Sustainable Development and criterion 1 of policy PCYFF 3 Design and Place Shaping as the proposal does not add to or improve the character or appearance of the site, the building or the area in terms of setting, appearance and treatment of the elevations, and is not of a high design standard which makes a positive contribution to the local area and accessible areas.

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- 5.17 The proposal is also considered to be contrary to the requirements of criterion 7 of policy PCYFF 2 and criterion 10 of policy PCYFF 3 as the development would have a substantially detrimental impact on the owners of local property and because it will not help to create a healthy and lively environment and does not consider the health and well-being of future users.

Biodiversity Matters

- 5.18 The Biodiversity Unit, having assessed the application, has stated that, although the likelihood of bats using the house is low, the proposal to demolish all buildings on site, including the external stone building with a slate roof means that the likelihood of impacting bats is higher. On this basis, the Biodiversity Unit has confirmed that a bat report will be required for the proposal. A bat report has not been received as part of the application; it is, therefore, considered that the proposal is contrary to the requirements of policy PS 19, protecting where relevant, improving the natural environment.

6. Conclusions:

- 6.1 In summary, therefore, the pre application advice proposed suggested that the front and rear of the house should be rotated so that the main openings such as the large glass-fronted living room and patio door face the south instead of the north in order to make the most of the light and natural heating. At present, it is the secondary rooms that are south facing, namely the utility room, porch, office, bathroom and one of the dining room windows. These changes would also ensure greater privacy for the adjacent house and the new property and would also improve the appearance when approaching the house from the public road. This could mean making minor adjustments to the internal arrangements, but this is considered to be entirely possible without reducing the area. In addition, it was suggested in previous advice that it would also result in reducing the height of the eaves and, as proposed by the agent at the time, would be more acceptable than the higher eaves found here. We therefore confirm that there is no objection to the proposal in principle on this basis but that the plan can be improved through carrying out the suggestions that officers have already made. Based on what has been submitted, therefore, the proposal is considered to be unacceptable and contrary to the policies listed above.

7. Recommendation:

To Refuse – reasons

1. The proposal is considered to be contrary to criterion 13 of policy PS5 Sustainable Development and criterion 1 of policy PCYFF 3 Design and Place Shaping as the proposal does not add to or improve the character or appearance of the site, the building or the area in terms of setting, appearance and treatment of the elevations, and is not of a high design standard which makes a positive contribution to the local area and accessible areas.
2. The proposal is also considered to be contrary to the requirements of criterion 7 of policy PCYFF 2 and criterion 10 of policy PCYFF 3 as the development would have a substantially detrimental impact on the owners of local property and because it will not help to create a healthy and lively environment and does not consider the health and well-being of future users.
3. A bat report has not been received as part of the application; it is, therefore, considered that the proposal is contrary to the requirements of policy PS 19,

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protecting where relevant, improving the natural environment, as it is not possible to consider the impact on protected species.