

PLANNING COMMITTEE	DATE: 29/04/2018
REPORT OF THE SENIOR PLANNING AND PUBLIC PROTECTION SERVICE MANAGER	CAERNARFON

Number: 6

Application Number: C19/0224/11/LL

Date Registered: 08/03/2019

Application Type: Full - Planning

Community: Bangor

Ward: Glyder

Proposal: Retrospective application for the demolition of sub-standard kitchen and conservatory at the rear of the property and construction of a single storey rear extension

Location: 23 Belmont Road, Bangor, LL57 2HY

Summary of the Recommendation: REFUSE

PLANNING COMMITTEE	DATE: 29/04/2018
REPORT OF THE SENIOR PLANNING AND PUBLIC PROTECTION SERVICE MANAGER	CAERNARFON

1. Description:

- 1.1 This is a retrospective application for the erection of a single storey rear extension to the property known as 23 Belmont Road, Bangor. The sub-standard kitchen and conservatory as referred to in the application has been demolished and a single storey part flat and part pitched roof extension has been erected the full width of the existing dwelling. The extension provides a kitchen and dining area.
- 1.2 The dwelling is a semi-detached property located in an established residential area with the development boundary of the City. The property to which the application site is attached is on a slightly lower level. Adjacent and nearby properties are very similar in shape and design. The property is located fronting a Class III public highway (Belmont Road).
- 1.3 The extension has been built in the form of a rear single storey extension providing a kitchen and dining area with windows on either side of the extension and to the rear. In addition there are patio doors leading out to the rear garden and two Velux windows. The finish of the extension will be spar dash render to match the existing. The extension measures approximately 4.1 meters in length, 6.3 metres in width and a height of 4.2 to the highest part.
- 1.4 The application was submitted following action by the Planning Enforcement Unit following a complaint regarding the development. The application is submitted to the Planning Committee as the applicant is related to the Local Member of Dewi Ward Bangor.

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 Act (Wales) 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:-**

Policy PCYFF2 – development criteria.
Policy PCYFF3 – design and place shaping.

Gwynedd Design Guidance (2003).
- 2.4 **National Policies:**

Planning Policy Wales (PPW), Edition 10, (2018).
TAN 12: Design (2016).

PLANNING COMMITTEE	DATE: 29/04/2018
REPORT OF THE SENIOR PLANNING AND PUBLIC PROTECTION SERVICE MANAGER	CAERNARFON

3. Relevant Planning History:

- 3.1 There is no formal planning history for the site other than the fact that the application has been submitted as a result of an enforcement investigation.

4. Consultations:

Community/Town Council: Not received

Transportation Unit: No objection

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

- The impact of the development on the visual amenities on the grounds of size, scale and location being overbearing
- Loss of light due to the height of the extension.
- The side window overlooking neighbouring property affecting their enjoyment
- Loss of light
- Obscured glazing would not overcome the general disturbance to No.25
- Window would restrict No.25 building their own extension
- Side window is an invasion of privacy and nuisance
- Carried out works to the guttering of No.25 by removing and replacing with new and connected to No.25 guttering without permission
- Removal of boundary wall

5. Assessment of the material planning considerations:

The principle of the development

- 5.1 The proposal is a retrospective application to retain a single storey extension at the rear of the property to provide a kitchen and dining area in lieu of the previous conservatory. Due to the difference in land levels the extension measures approximately 4.2 metres in height at its highest part adjoining the neighbouring property and approx. 3.5 metres in height on the other side together with a finished width of approximately 6.3 metres. It is proposed to finish the extension in a spar dash render to match the existing. There are two velux windows in the slope of the roof, double doors and window to the rear garden and windows to both sides of the extension.
- 5.2 The size and location of the extension itself is considered acceptable in principle and reflects similar extensions in the vicinity and on similar type properties. However, it is also necessary to assess the development in the context of other relevant policies and this requires assessing the window that has been placed in the side elevation of the extension which forms the boundary wall with 25 Belmont Road and which overlooks

PLANNING COMMITTEE	DATE: 29/04/2018
REPORT OF THE SENIOR PLANNING AND PUBLIC PROTECTION SERVICE MANAGER	CAERNARFON

the rear garden area of this property. The window measures 1.5 metres by 1.3m in size and is approx 1.7 metres above ground level and a full assessment is made below.

General and residential amenities

- 5.3 Generally, policies PCYFF 2 and PCYFF 3 of the Joint Local Development Plan approve proposals for new developments as long as they do not have a detrimental impact on the health, safety or the amenities of the residents of local properties. Developments are also expected to demonstrate high quality design which contributes to and enhances the character and appearance of the site and respect the site and surroundings in terms of the location in the local landscape.
- 5.4 In dealing with proposals for house extensions, the aim is to make sure the extension is in keeping with the existing property and the surrounding area and to minimise any adverse effect on neighbours. The extension is located at the rear of the property and replaces a single storey extension and conservatory. The design and scale of the extension is very similar to other extensions and these extensions include pitched roof extensions and flat roof extensions.
- 5.5 The occupiers of No25 have objected to the application due to concerns regarding loss of light and overlooking arising from the side window in the extension. The extension projects out approximately 4 metres and to a height of 4.2 metres. The Town and Country Planning General Permitted Development Order (GDPO) allows a rear extension to extend beyond the rear wall of the original dwelling house by 4 metres and to a height of 3 metres for a flat roof and such an extension could be built without requiring formal planning permission. The extension is therefore higher than an extension that would be permitted under the provisions of the GDPO. In this context the extension is considered a reasonable depth that in-itself would be unlikely to constitute overdevelopment or have any unacceptable effects on the amenities of nearby properties. However, the height of the extension exceeds that permitted under the GDPO and the effect of the height needs to be considered in terms of any detrimental effects on neighbouring properties. The rear of the properties are south-west facing and the extension is located to the south-east of No.25. Whilst some overshadowing could occur, it is considered due to the depth of the extension and the path of the sun in relation to the location of the extension, this would be for a limited time and that the amenities of occupiers of No.25 will not be significantly affected in terms of overshadowing. Other areas of the garden would not be effected and the general outlook would not be effected.
- 5.6 Neighbouring properties also have rights to privacy and this is an important element of the quality of the residential environment and an important consideration where an extension or alteration is proposed adjacent to existing properties. In this context, it is essential that the scale and design (including new windows, doors, balconies etc) are fully assessed in terms of their impact or potential impact on the amenities of neighbouring properties. As set out above, the extension has a side window placed on the boundary wall with the adjoining property and which directly overlooks the rear yard/garden area which prior to the erection of the extension provided a private space directly to the rear of 25 Belmont Road. The side window of the extension which measures approx. 1.5m by 1.3m is placed within a main room and is located 1.7 metres above ground level when measured from the garden of No 25. It is considered that this window causes direct overlooking into the neighbouring garden and that its position creates an intrusive, direct and uninterrupted view from the extension itself which has a severe and detrimental impact on the privacy of No 25 Belmont Rd and which could also cause general disturbance to the residents of No.25. Furthermore, due to the height

PLANNING COMMITTEE	DATE: 29/04/2018
REPORT OF THE SENIOR PLANNING AND PUBLIC PROTECTION SERVICE MANAGER	CAERNARFON

of the window being 1.7m at its lowest point and 3m at its highest level the window could not be contained behind fencing if erected under the permitted development rights of 2 metres height.

- 5.7 These concerns regarding the side window have been discussed with the applicant prior to and after submitting the application. The applicant has suggested a resolution in order to resolve the concerns regarding overlooking by inserting obscure glazing and a permanent blind. Officers are of the opinion that the use of obscured glass is not considered an acceptable solution for the window in question as there would still be a perception of overlooking and its presence could increase the level of noise and general disturbance experienced by residents of the adjacent property. Furthermore, it is not considered that it would be appropriate to stipulate a planning condition enforcing the window to be permanently obscured with obscure glazing and by a blind as it is unlikely to be enforceable and it is not considered that it would overcome the unacceptable effects outlined above.
- 5.9 The application is therefore contrary to Criteria 7 of policy PCYFF 2 that states that proposals will be refused if they will have a significant detrimental effect on the health, safety or amenity of occupiers of local residences. It is also considered that the application is contrary to Criteria 1 of policy PCYFF 3 that states that all proposal will be expected to demonstrate high quality design and that it compliments and enhances the character and appearance of the site, building or area in terms of siting, appearance, scale, height massing and elevation treatment as the siting of a window on the boundary with a neighbouring property is not considered to demonstrate high quality design.

Response to the public consultation

- 5.10 It is considered that the above assessment has given due weight and full consideration to all the material planning objections received in response to the public consultation. Issues raised by neighbours in relation to the guttering issues will be forwarded to the Building Regulation Department and other matters raised are considered to be civil matters.

6. Conclusions:

- 6.1 Having considered the above assessment and all the relevant material planning matters, national policies and guidance together with the objections and observations received, it is considered that the proposal is unacceptable based on the side window having a detrimental impact on the privacy and residential amenities of the neighbouring property.

The planning situation has been fully explained to the applicant on several occasions as have the consequences of not removing the window and blocking up the opening on a permanent basis. As a result of several discussions already held with the applicant it is clear that the applicant is unwilling to block the window in question and consequently it appears that there is no prospect of the applicant carrying out the work should the application be granted with a condition to block up the window on a permanent basis. Officers are therefore of the opinion that there is no option but to refuse the application on the basis outlined above.

PLANNING COMMITTEE	DATE: 29/04/2018
REPORT OF THE SENIOR PLANNING AND PUBLIC PROTECTION SERVICE MANAGER	CAERNARFON

7. Recommendation:

7.1 Refuse – reasons:

1. It is considered that the side window of the extension facing the rear yard/garden of 25 Belmont Road does not demonstrate a high quality of design and creates an intrusive feature that has an unacceptable adverse effect on the residential amenities of that property on grounds of loss of privacy and has the potential to create unacceptable disturbance. The development is therefore contrary to criteria 7 of policy PCYFF 2 and criteria 1 of policy PCYFF 3 of the Anglesey and Gwynedd Joint Local Development Plan and relevant guidance contained in the Gwynedd Design Guide and TAN12: Design.