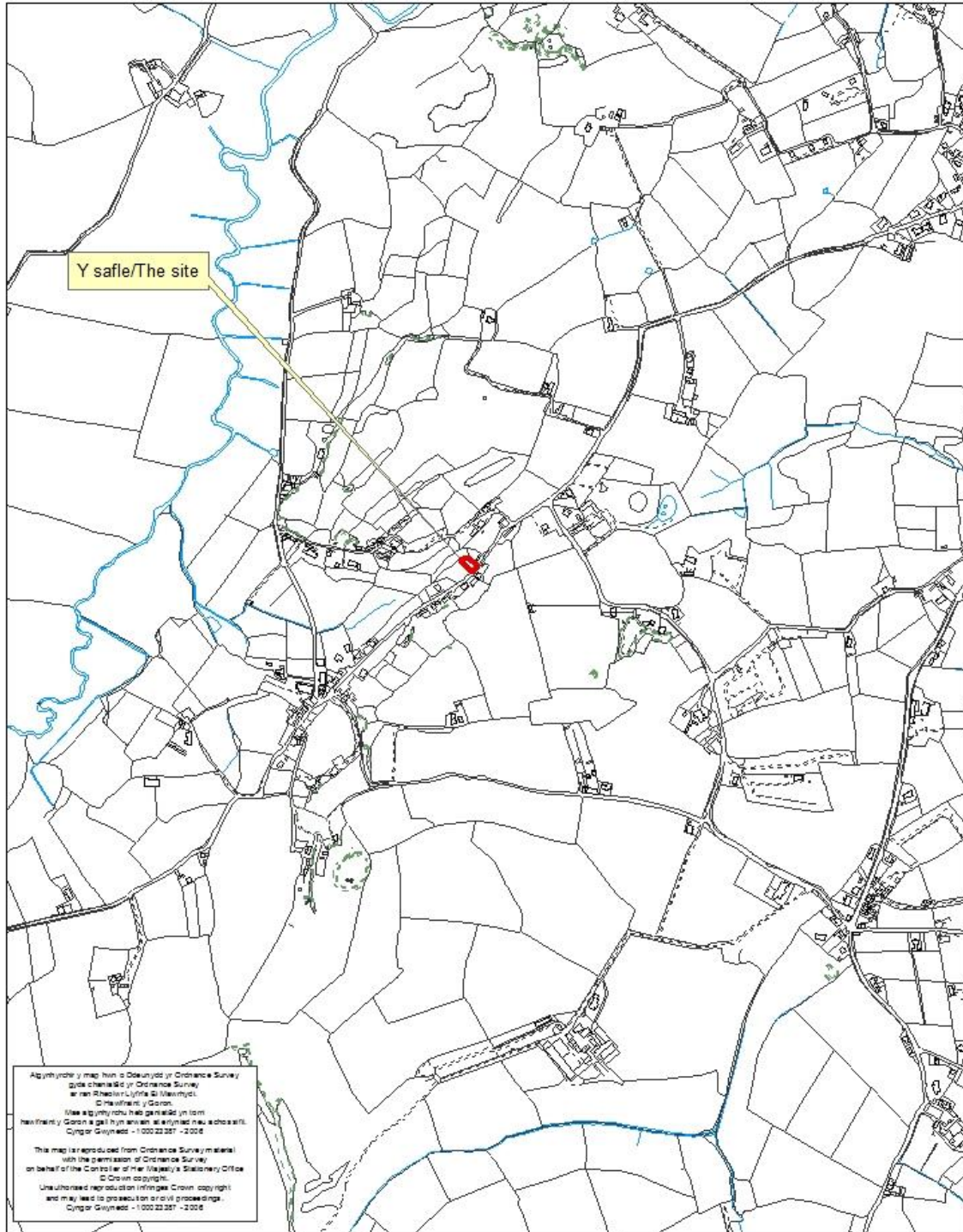


Number: 7



Rhif y Cais / Application Number : C15/0158/39/AM

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



<b>PLANNING COMMITTEE</b>	<b>DATE: 18/05/2015</b>
<b>REPORT OF THE SENIOR PLANNING AND ENVIRONMENT SERVICE MANAGER</b>	<b>DOLGELLAU</b>

Application Number: C15/0158/39/AM  
Date Registered: 27/02/2015  
Application Type: Outline  
Community: Llanengan  
Ward: Llanengan

Proposal: CONSTRUCTION OF THREE BEDROOM HOUSE WITH GARAGE  
Location: LAND NEAR MINFFORDD, LÔN ENGAN, LLANENGAN, PWLLHELI, GWYNEDD, LL537LH

**Summary of the Recommendation:** TO REFUSE

## 1. Description:

- 1.1 This is an outline application with all matters reserved for the construction of a two-storey house including an adjoining garage. Although all matters have been reserved, the applicant has submitted plans to provide an indication of the type of house that is proposed for the site. These plans show that it is proposed to construct a two-storey house that would measure approximately 10 metres by 10.3 metres and would reach a height of 6.1 metres to the ridge. The proposed house would have three bedrooms and would include an integrated garage with space above it. Externally, the house will be constructed of natural slate on the roof, and the walls faced with a combination of cedar cladding on the first floor and render on the ground floor.
- 1.2 The site itself is relatively flat however the land to the north-west of the site is on a slope and is mainly covered in gorse. From the plans that were submitted, this slope does not form part of the site. There is currently a shed on the site made of corrugated sheets and the land is served by an access which the applicant intends to use to serve the proposed property.
- 1.3 The site lies within open countryside and the Llanengan development boundary is located approximately 222 metres to the south-west and 110 metres to the west. Although the development boundary to the west is nearer to the site, it is located on the other side of a hillock and there is no visual link between the development boundary and the site. The site also lies within the Llanengan Conservation Area and within an Area of Outstanding Natural Beauty. The site is served by a class 3 road. There is a house directly to the north-east of the site. There are houses on the opposite side of the county road to the south and another house is located further towards the south-west.
- 1.4 A pre-application enquiry was received for constructing a house on this site and a clear and firm message was given that this site lies a considerable distance outside the development boundary and that it would not be possible to support an application for constructing a house on the site should such an application be submitted. Despite the advice he received, the applicant chose to submit a planning application to construct a house on the site.
- 1.5 The application is submitted to the Committee in light of receiving three or more observations that are contrary to the recommendation.

## 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.

<b>PLANNING COMMITTEE</b>	<b>DATE: 18/05/2015</b>
<b>REPORT OF THE SENIOR PLANNING AND ENVIRONMENT SERVICE MANAGER</b>	<b>DOLGELLAU</b>

## 2.2 **Gwynedd Unitary Development Plan 2009:**

**POLICY B4 – DEVELOPMENT WITHIN OR AFFECTING THE SETTING OF CONSERVATION AREAS** – Ensure that proposals within conservation areas, or which affect their setting, are refused unless they aim to maintain or enhance the character or appearance of the conservation area and its setting.

**POLICY B8 - THE LLŶN AND ANGLESEY AREAS OF OUTSTANDING NATURAL BEAUTY (AONB)** - Safeguard, maintain and enhance the character of the Areas of Outstanding Natural Beauty by ensuring that proposals conform to a series of criteria aimed at protecting the recognised features of the site in accordance with the statutory requirements of the Countryside and Rights of Way Act 2000.

**POLICY B22 – BUILDING DESIGN** - Promote good building design by ensuring that proposals conform to a series of criteria aimed at protecting 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 safeguarding the recognised features and amenities of the local area.

**POLICY C1 – LOCATING NEW DEVELOPMENT** - Land within town and village development boundaries 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 CH9 - NEW DWELLINGS IN OPEN COUNTRYSIDE** – Refuse proposals for new dwellings in rural areas unless they are for individuals who must live on the site due to their work and a series of other criteria relating to the location and type of the dwelling, and restrictions on occupancy of the dwelling.

**POLICY CH33 – SAFETY ON ROADS AND STREETS** - Development proposals will be approved provided they 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. Consideration will be given to the accessibility of public transport services, the possibility of walking or cycling from the site and the proximity of the site to a public car park. In circumstances where off-street parking is needed and where the developer does not offer parking facilities on the site, or where it is not possible to take advantage of the existing parking provisions, proposals will be approved provided the developer contributes to the cost of improving the accessibility of the site or providing the necessary parking spaces on another nearby site.

Gwynedd Council Design Guidelines (April, 2003).

Supplementary Planning Guidance (SPG): Building new Houses in the Countryside (November, 2009)

## 2.3 **National Policies:**

Planning Policy Wales (Edition 7, July 2014)

Technical Advice Note 6: Planning for Sustainable Rural Communities (July 2010)

Technical Advice Note 12: Design (July 2014)

<b>PLANNING COMMITTEE</b>	<b>DATE: 18/05/2015</b>
<b>REPORT OF THE SENIOR PLANNING AND ENVIRONMENT SERVICE MANAGER</b>	<b>DOLGELLAU</b>

### 3. Relevant Planning History:

3.1 The site has no relevant planning history.

### 4. Consultations:

Community/Town Council: Support with a local need condition.

Transportation Unit: No objection to the outline application. The application does not include details for the access and therefore conditions are recommended in relation to this element in addition to conditions relating to parking and turning within the curtilage.

Welsh Water: No objection and propose standard conditions.

AONB Unit: The site in question is located within the village of Llanengan in the Area of Outstanding Natural Beauty and also within a Conservation Area. In terms of the AONB, there is no objection to the principle of constructing a new two-storey house on this site. However, it is not believed that the design and some of the materials are suitable and they do not comply with relevant policies.

Public Consultation: A notice was posted on the site and nearby residents were notified. The advertising period has ended and correspondence was received objecting on grounds of material planning matters:

- Located within a Conservation Area and an Area of Outstanding Natural Beauty and this proposal has the potential to further erode the unique character of this part of the Llanengan Conservation Area along with setting a precedent that planning applicants might use in future.
- The house is substantial and is located on a relatively small plot of land and it is surprising that there is sufficient space on the site for development.
- The size of the house is out of character.
- Extensive construction within Llanengan at the moment which is changing its character.
- Object to the height of the garage and consider that it has been designed to create an additional bedroom in future.
- Overlooking and loss of privacy.
- Loss of light.
- Creates hazards in terms of road safety such as parking on the road, visibility from the access.
- Propose to build into the side of the bank which is used by wildlife.

In addition to the above objections, objections were received that were not valid planning objections which included:

- It is not possible to build on the land as mains services run through the land.
- A deed has been formed to restrict the use of the land in light of the fact that a water pipe runs along part of the site.

Correspondence was received supporting / providing observations on

PLANNING COMMITTEE	DATE: 18/05/2015
REPORT OF THE SENIOR PLANNING AND ENVIRONMENT SERVICE MANAGER	DOLGELLAU

the application on the grounds of:

- The site is within the Llanengan village boundary.
- Four affordable homes have been built near to and opposite this site.
- Affordable housing for local people needed.
- Self-build is the only affordable and viable option for local young people to have homes in their own communities.
- The proposal responds to local need as the applicants have been brought up in the area and now work locally.
- Need to support local people to build homes rather than developers who go on to sell houses as holiday homes.
- Such a development will contribute to the prosperity of the broader economy.

## 5. Assessment of the material planning considerations:

### The principle of the development

- 5.1 The site lies a considerable distance outside the development boundary of Llanengan. The principle of developing residential houses in the countryside has been included in a number of policy documents and strategic advice provided by the Council and by the Welsh Government. The context of the local policies is included in the adopted Gwynedd Unitary Development Plan.
- 5.2 Policy C1 of the GUDP states that land within the development boundaries of towns and villages and the developed form of rural villages will be the main focus for new developments, and new buildings, structures and ancillary facilities in the countryside (i.e. outside development boundaries and outside the developed form of rural villages) will be refused with the exception of a development that is permitted by another policy in the Plan.
- 5.3 Furthermore, Policy CH9 of the GUDP states that applications to construct new houses in the countryside will be refused unless the house is required as a home for a full-time worker or someone who is mainly employed in agriculture, forestry or another rural land based industry; or someone who earns their living through a full-time activity that provides an essential service to the agricultural sector within the county.
- 5.4 In addition to GUDP policies, the Supplementary Planning Guidance document on Building New Houses in the Countryside states that national policies on houses in the countryside are aimed towards safeguarding areas from unnecessary developments that impact upon the beauty of the countryside. Houses when located in remote areas can affect the landscape and can be expensive to connect to public utilities and can lead to an increase in traffic on unsuitable rural roads. Local policies are also based on these considerations and the countryside is described as those areas that are outside the development boundaries of centres and villages and outside the built form of rural villages.
- 5.5 In addition to considering the context of the abovementioned local policies and guidance, consideration must also be afforded to the advice contained in Welsh Government documents which include Planning Policy Wales and Technical Advice Note 6 “Planning for Sustainable Rural Communities”. Paragraph 9.3.1 of Planning Policy Wales states that new housing developments should be well integrated and connected to the existing pattern of settlements. The expansion of towns and villages should avoid creating ribbon development, coalescence of settlements or a fragmented development pattern. Paragraph 4.3.1 of TAN 6 states that one of the few circumstances in which a new isolated residential development in the open countryside can be justified is when accommodation is required to enable a rural enterprise worker to live at, or close to, his workplace.
- 5.6 Given the abovementioned policy and guidance context, it is clear that the principle of the development is not acceptable. The site that is the subject of this application is located in the

PLANNING COMMITTEE	DATE: 18/05/2015
REPORT OF THE SENIOR PLANNING AND ENVIRONMENT SERVICE MANAGER	DOLGELLAU

countryside and a considerable distance from the Llanengan development boundary as shown on the GUDP Inset Map. The development boundary is located 222 metres to the south-west and 110 metres to the west of the site. Although the development boundary to the west is closer to the site, it is located on the other side of a hillock and there is no visual link between the development boundary and the site. A residential house adjoins the site's north-eastern boundary (Minffordd) and there is another house located adjacent to the site on the opposite side of the county road, however the site is a considerable distance from the development boundary, and, therefore, is located in open countryside. Therefore, it is believed that the proposal is contrary to policies C1 and CH9 of the GUDP in relation to building new houses in the countryside and the advice given on new houses in Planning Policy Wales.

- 5.7 It has been given to understand that the house is for a local couple who need to stay in the area. No evidence has been provided in relation to erecting an affordable home here and to this end it is entirely clear that the proposal in its submitted form does not follow the criteria or the guidelines of the relevant policies or the supplementary planning guidance on for affordable housing which seeks to ensure that applications submitted for this purpose are not speculative applications. The responsibility of submitting quantifiable evidence for an affordable house falls upon the developer/applicant and no such evidence has been submitted with this application. However, due to the location in the countryside, the GUDP's policies do not support locating affordable housing in the countryside. Policy CH9 states that only houses for full-time workers in agriculture or forestry, workers who are mainly employed in this industry, or a full-time employee who is mainly employed in a rural land-based industry, or an essential service to the agriculture or forestry sector, can be approved in the countryside. In this particular case, these definitions do not apply to the applicant. Therefore, it is considered that the proposal is contrary to the requirements of Policies C1, CH9, and the Supplementary Planning Guidance on Building New Houses in the Countryside, TAN 6 on Planning for Sustainable Rural Communities and Planning Policy Wales on Housing.

#### **Visual amenities**

- 5.8 This application is an outline application with all matters reserved. However, the applicant has submitted plans that provide an indication of the type of house that is proposed for the site. The site lies within the Llanengan Conservation Area and within an Area of Outstanding Natural Beauty (AONB). It is considered that the design that has been submitted in order to give an indication of the type of house that is proposed for the site should this application be approved is on a scale that is large and bulky for the plot in question. It is also considered that there are far too many design features e.g. two two-storey gables to the front where in fact, with space above the garage, it would be possible to reduce the need for two such gables, a substantial window and patio doors below them on the south-western side, four dormer windows on the rear elevation, the use of cedar cladding on the higher sections of the external walls.
- 5.9 It is considered that there is a need to simplify the design and the mix of materials to ensure that the proposal is in keeping and that it sits well on the site and within the AONB and the Conservation Area. The AONB Unit's observations also voice concern about the design and the proposed materials and the suitability of these on the site. Consequently, it is not considered that the design of the proposed house or the combination of materials is suitable for a site located within the AONB. Neither is it considered that it maintains or enhances the character or the appearance of the Conservation Area.
- 5.10 Although the design does not form part of this outline application it is not possible to ignore the fact that the design of the house has been submitted in order to provide an idea of the type of house that would be built should this application be approved. As explained above (and even if there was no objection to the principle of erecting a house on this site) there are fundamental concerns about the scale and design of the house and consequently should the design have formed part of the outline application (or form part of another application in future) the proposal in terms of its design would be considered contrary to Policies B4, B8, B22 and B25 of the GUDP.

<b>PLANNING COMMITTEE</b>	<b>DATE: 18/05/2015</b>
<b>REPORT OF THE SENIOR PLANNING AND ENVIRONMENT SERVICE MANAGER</b>	<b>DOLGELLAU</b>

### **General and residential amenities**

- 5.11 There is a house located directly near the site to the north-east and there are houses to the south also on the opposite side of the county road. There is also a house further along to the south-west. Objections were received relating to overlooking and loss of privacy. The illustrative plans show two ground floor windows and one first floor window on the elevation facing Minffordd, the property to the north-east of the site. The applicant has noted in the Design and Access Statement that it is intended to erect a timber fence around the site and it is likely that such a proposal would avoid overlooking from the ground floor windows into the garden of the nearby property. However, it is strongly questioned whether a timber fence around the entire site would be suitable to this location in a rural area within the AONB and the Conservation Area. It is likely that we would ask for soft landscaping only along the boundaries and therefore overlooking could be problematic even from the ground floor windows on the site facing Minffordd. It is considered because of the location overlooking and loss of privacy could be a possibility should windows be installed in the north-eastern elevation of the property and therefore should the application be approved there would be a need to ensure that there are no windows at all on this elevation or that opaque glass should be used e.g. for bathrooms. In relation to the house located to the south, the opposite side of the county road, there would be approximately 25 metres between the front of the proposed house and that property and therefore due to the distances it is not considered that the proposal would cause unacceptable overlooking to that property. It is therefore considered that it is possible to locate a house on the site without affecting the nearby houses in terms of overlooking or loss of privacy however there would be a need to amend the plans from what was submitted for this outline application. As this is an outline application (and should the principle of constructing a house on the site be acceptable in policy terms), it is considered that it would be possible to secure, through reserved matters, that any house built on the site is designed in a way that would not cause significant harm to the amenities of nearby houses or the local neighbourhood. However, in its current form the proposal as shown on the submitted illustrative design is likely to lead to overlooking and loss of privacy to nearby houses and therefore in its current form is contrary to Policy B23 of the GUDP.

### **Transport and access matters**

- 5.12 It is intended to make use of an existing access in order to have access to the proposed house. The Transportation Unit does not object to the proposal but suggests a number of conditions in relation to the access and parking and turning within the curtilage. It is therefore considered that the proposal could be made acceptable in terms of road safety and Policies CH33 and CH36.

### **Relevant planning history**

- 5.13 Some of the supporters have noted that other houses have been built in the site's vicinity. The houses that were built relatively recently were approved under the policies of the Dwyfor Local Plan and not under the Gwynedd Unitary Development Plan. Within the Dwyfor Local Plan, Llanengan was designated as a rural village rather than a village. Under Policy B5 of the Dwyfor Local Plan it was possible to approve building individual houses in a rural village if, amongst other things, there was a close link between the sites and the buildings that already existed and that it was an infill site within the settlement. As can be seen the policy position was very different when those houses were approved therefore it is not considered that the fact that other houses have been approved in the vicinity of the site is material to determining the current application as the situation in terms of adopted policies has changed.
- 5.14 It should also be noted that an estate of six affordable homes has been granted permission on a rural exception site near Llanengan church, and at the moment work has started on only one of those houses. It is therefore questioned why the applicant could not take up one of those plots before thinking of building on land that is located a considerable distance outside the development boundary.

<b>PLANNING COMMITTEE</b>	<b>DATE: 18/05/2015</b>
<b>REPORT OF THE SENIOR PLANNING AND ENVIRONMENT SERVICE MANAGER</b>	<b>DOLGELLAU</b>

## **6. Conclusions:**

- 6.1 The site lies in the countryside far outside the development boundary and taking into account the assessment it is not believed that the proposal is acceptable in principle as it would mean building a new house in the countryside without any justification to do so. Furthermore, it is considered that the illustrative design for the house is on a scale that is large and bulky for its location and that a number of incongruous features have been included within the design. The submitted illustrative design is also likely to lead to overlooking and loss of privacy for nearby houses. It is therefore considered that the illustrative design that has been submitted as part of the application is not suitable for the site given its relationship with other nearby houses and also given its location within the Conservation Area and the Area of Outstanding Natural Beauty.

## **7. Recommendation:**

### 7.1 To refuse – reasons

1. The proposal is for building a new house in the countryside without any justification for it and is therefore unacceptable in principle and contrary to the requirements of Policies C1 and CH9 of the Gwynedd Unitary Development Plan along with the guidance in the Supplementary Planning Guidance: Building Rural Houses in the Countryside, Technical Advice Note 6: Planning for Sustainable Rural Communities along with Planning Policy Wales, Chapter 9 on Housing.
2. The submitted illustrative design is of a scale that is too large and bulky for the site and includes a number of features that are incongruous with the surrounding area and therefore it is not considered that the design of the house or the combination of materials are suitable for the site which is located within an Area of Outstanding Natural Beauty and a Conservation Area and it is therefore contrary to Policies B4, B8, B22 and B25 of the GUDP.
3. The proposal as shown on the illustrative plans submitted as part of the application is likely to lead to overlooking and loss of privacy for nearby houses. It is therefore considered that the proposal is contrary to policy B23 of the GUDP.