

PLANNING COMMITTEE	DATE: 19/12/2016
REPORT OF THE SENIOR PLANNING AND ENVIRONMENT SERVICE MANAGER	CAERNARFON

Number: 6

Application Number: C16/1240/41/LL

Date Registered: 07/10/2016

Application Type: Full - Planning

Community: Llanystumdwy

Ward: Llanystumdwy

Proposal: Application for the erection of a porch on the existing dwelling and erection of a garage with games room above

Location: Old Capel Moriah Site, Llanystumdwy, Cricieth, Gwynedd, LL520SH

Summary of the Recommendation: TO APPROVE WITH CONDITIONS

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1. Description:

- 1.1 This is an application for the erection of a porch on the existing dwelling and erection of a garage with games room above within the curtilage of the property.
- 1.2 The property is a detached two-storey house and is located near semi-detached house and is located near Afon Dwyfor in the centre of Llanystumdwy. The property has a fairly substantial curtilage. The property is currently vacant.
- 1.3 The proposed porch is to be located on the side of the building and would measure 4.5m by 3m and 5m high to the ridge. It is proposed to finish the porch with stone in keeping with the property, with slate on the roof.
- 1.4 The proposed garage is to be located between the existing property and the vehicular access. It includes a games room above, and it will have an external access with external stairs. This building would measure 8m by 7m and 8m high to the ridge. It is proposed to finish the garage stone in keeping with the property, with slate on the roof.
- 1.5 The site is located within the Llanystumdwy Conservation Area and a C2 flood zone, and part of the site has been designated as protected open land. A Grade II listed vehicular bridge lies to the north east of the site. Access is gained to the site from a third class highway near the bridge, and then down a single private road that serves approximately five residential properties, including the property which is the subject of this application. The application site is on a lower level than the classed road and the private single road.

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 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 also to 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; in making the recommendation the Council has sought to ensure that present needs 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 recommendation.

2.3 Gwynedd Unitary Development Plan 2009:

POLICY B3 – DEVELOPMENTS AFFECTING THE SETTING OF LISTED BUILDINGS
Ensure that proposals have no adverse effect on the setting of Listed Buildings and that they conform to a series of criteria aimed at protecting the special character of the Listed Building and the local environment.

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POLICY B4 – DEVELOPMENTS IN OR AFFECTING THE SETTING OF CONSERVATION AREAS

Ensure that proposals within conservation areas, or proposals that affect their setting, are refused unless they aim to maintain or enhance the character or appearance of the conservation area and its setting.

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

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

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 must conform to a series of criteria aimed at safeguarding the recognised features and amenities of the local area.

POLICY B24 - ALTERATIONS AND BUILDING EXTENSIONS WITHIN DEVELOPMENT BOUNDARIES, RURAL VILLAGES AND THE COUNTRYSIDE - Ensure that proposals for alterations or extensions to buildings conform to a series of criteria aimed at protecting the character and amenity value of the local area.

POLICY B25 - BUILDING MATERIALS - Safeguard the visual character by ensuring that building materials are of a high standard and in keeping with the character and appearance of the local area.

POLICY B29 – DEVELOPMENTS ON LAND AT RISK FROM FLOODING

Manage specific developments in the C1 and C2 flood zones and direct them towards suitable land in zone A unless they can conform to a series of criteria relevant to the features of the site and to the purpose of 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.

POLICY CH42 – SAFEGUARDING OPEN SPACES OF RECREATIONAL VALUE

Proposals that will lead to the loss of existing open spaces of recreational value will be refused unless a series of criteria can be satisfied in relation to the need for the facilities, offering a similar provision, best way of ensuring the future of the facility, improving the range and quality of the current provision and the importance in terms of biodiversity, the quality of the landscape and amenities.

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The Gwynedd and Anglesey Joint Local Development Plan which is currently being prepared is subject to an ongoing Public Examination. At present, it is not a relevant planning consideration for determining planning applications.

2.3 National Policies:

TAN 12 Design (2016).

TAN 15 Development and Flood Risk (2004)

Planning Policy Wales (Edition 9) 2016

3. Relevant Planning History:

3.1 C00D/0311/41/LL - ERECTION OF A DWELLING - APPROVED - 25-Oct-2000

4. Consultations:

Community/Town Council: Support

Welsh Water: General observations

Transportation Unit: No objection to the proposal.

Natural Resources Wales: It is recommended that the proposal should only be approved subject to the following conditions. The conditions alleviate the substantial concern we have, and we will not object provided that you impose these conditions on the planning approval.

Flood risk

The site is partly located within a C2 flood zone as defined within the related maps and TAN 15 Developments and Flood Risk.

Provided that the location of the garage/games room stays in accordance with plan number 04 JOD 16 and that it is not located any nearer to Afon Dwyfor; it is considered that due to the scale of the development, and because no flood consequence assessment has been submitted, that the risk could be acceptable provided that the developer is aware of the potential for flood risk and it is suggested that flood prevention measures should be adopted as part of the development e.g. raised floor levels.

Additionally, and in order to reduce the flood risk as a consequence of converting the building to residential use in future, it is asked that any planning permission includes a condition to remove permitted development rights for the building.

Condition - Remove the permitted development rights from the building in order to secure its non-residential use.

Subject to including the above mentioned condition on any planning approval and that the applicant understands the potential for flooding as noted above, it is considered that the

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risk is acceptable.

Waste

Any waste must be disposed of in accordance with the requirements of the Environment Protection Act 1990.

Protected species

Suggest that you should screen the application to consider potential impact on bats.

Biodiversity Unit: Observations noting a very low risk that bats use the building and a condition to ensure that the work of cutting into the roof should take place between the beginning of October and the end of April in any given year, and that a bat box should be installed on the gable of the proposed garage.

Conservation Officer: The site is located within the village of Llanystumdwy which is located within the Conservation Area and near the listed bridge. It is not believed that the proposal would have any impact on the setting of the listed bridge. It is felt that the size and height of the proposed garage is excessive, however it is not believed that it would have any detrimental impact on the setting or the character of the Conservation Area.

Public Consultation: A notice was posted on the site. The advertising period has ended and a number of letters / correspondences were received objecting on the following grounds:

- The impact on road safety from the access from the highway and down the access track.
- Height and size
- Impact on views from the bridge/public footpath

5. Assessment of the material planning considerations:

The principle of the development

- 5.1 General planning policies within the Gwynedd Unitary Development Plan support applications for the erection of extensions on residential houses provided they are appropriately assessed.
- 5.2 Policy B24 of the Gwynedd Unitary Development Plan involves undertaking changes to buildings. The proposal is for erecting a porch on the house and building a separate garage within the curtilage with a games room above. It is considered that the proposal to erect a porch and garage is in keeping with the current property in terms of its size and design, and that its scale is considered suitable for the existing residential property. Therefore, it is considered that the proposal complies with policy B24.

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- 5.3 Policy B29 of the Unitary Development Plan manages specific developments in the C1 and C2 flood zones and directs them towards suitable land in zone A, unless they conform with a series of criteria relevant to the features on the site and to the purpose of the development. The site partly lies within a C2 flooding zone and Natural Resources Wales has confirmed on grounds of the scale of the development, and subject to imposing a condition on the planning permission preventing any residential use of the building; that it is possible to manage the flood risk in an appropriate manner. In this case it is considered that the proposal is acceptable as it fully attached to the current residential property for the site and therefore complies with the requirements of policy B29 and Technical Advice Note 15 Development and Risk of Flooding.
- 5.4 Policy CH42 of the Gwynedd Unitary Development Plan involves protecting open land of recreational value. Part of this site has been designated protected open land. It forms part of a piece of land located further down the river, which is open land. The part that is located within the boundaries of this application within the residential curtilage of the existing property and it cannot be used as open land. The site of the garage is partly on the open land. As this application affects a small section of the open land, and that the remaining provision is sufficient to meet the need, it is considered that the proposal complies with the principle of policy CH42.
- 5.5 Policies B3 and B4 of the Unitary Development Plan involve ensuring that developments do not have a detrimental impact on the character of Conservation Areas or on any listed structures. The Senior Conservation Officer has confirmed that although the garage is substantial, it is not likely to have an adverse impact on the Conservation Area or on the nearby listed bridge. Therefore, it is considered that the proposal complies with policies B3 and B4 above.

Visual, general and residential amenities

- 5.6 Policies B22, B23 and B25 of the Gwynedd Unitary Development Plan relate to assessing the design of the proposal, amenities and external materials.
- 5.7 The proposal is for erecting a porch on the house and building a separate garage within the curtilage with a games room above. There are no windows on the sides of extension/porch that are at a level or in a location that is likely to cause overlooking in to private land. Additionally, the site is located on a lower level than the road, and it is unlikely that it would have a detrimental impact on any nearby private land.
- 5.8 A number of objections have been received that relate to the size and height of the proposed garage and its impact on views within the area.
- 5.9 The original consent for erecting a house on the site includes a site plan including a garage. No elevation plans were submitted for the garage and therefore it was not given consent at the time.
- 5.10 The proposed garage is substantial, but neither its length nor width is unusual. The pitch and height of the proposed garage are unusual; however, they are in keeping with the pitch and the height of the property on the site. The proposal includes a first floor room to be used as a hobby/games room. The current residential property on the site has a characteristic pitch which is very similar to the chapel that stood on the site previously. The proposed garage has a pitched roof that is in keeping with the notable roof of the residential property in terms of pitch and height. It is considered that it would be difficult to provide an alternative roof on the garage which would be

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in-keeping with the site and existing property. Though the garage is substantial in size and height, it does not appear to be oppressive at all compared with the existing residential property on the site and it is in-keeping with the appearance of that property which ensures a development which is in-keeping in terms of its appearance. This is a consideration for any site, and is an assessment which would be undertaken on the merits of every site. It is considered that changing the size and design of the garage to make it smaller with a different roof pitch would cause more visual impact as it would conflict with the specific design of the existing property.

- 5.11 Therefore, having assessed the proposed garage in the context of its location within a curtilage and its connection with the existing residential house, it is considered that the garage fits in to its specific location and it would not cause a detrimental impact for the amenities of the area or any neighbouring residents.
- 5.12 The garage would be visible from the nearby bridge which is Grade II listed, and from the public footpath nearby; but, it will be visible in relation to the existing residential property which is much larger and more striking than the garage. Having considered the situation, it is not considered that the proposal is likely to have an unacceptable detrimental impact on the amenities of the local area as a result.
- 5.13 It is proposed to finish the development to be in-keeping with the existing property (stone finish) with slate on the roof.
- 5.14 It is therefore not considered that the proposal is contrary to the requirements of policies B22, B23 or B25 of the Unitary Development Plan.

Biodiversity Matters

- 5.15 Policy B20 of the Unitary Development Plan relates to safeguarding protected species and proposals which are likely to cause disturbance or unacceptable damage to protected species and their habitats will be refused unless they conform to a series of criteria aimed at safeguarding the recognised features of the site.
- 5.16 The Biodiversity Unit has confirmed that there is a low risk that bats use the building and suggested a condition to ensure that the work of cutting into the roof should take place between the beginning of October and the end of April in any given year. To further reduce the risk to the bats, it is suggested that a bat box should be installed on the gable of the new garage.
- 5.17 Given the above, it is considered that the proposal complies with the requirements of Policy B20.

Highways Matters

- 5.18 Policy CH33 of the UDP ensures safety on roads and streets and policy CH36 deals with providing adequate parking facilities. Objections have been received in relation to the impact of the proposal on road safety and visibility from the entrance off the highway and visibility on the access track beyond the site. The proposal will not affect the visibility of the entrance off the highway as it is intended to locate the garage on the other side of the residential property to the access. The existing access track is fairly narrow and winding and travels up a hill towards the entrance to the highway. There is a stone wall on the application site side of the track. The track is private and provides access to the private residential houses only. The Transportation Unit is aware of the concerns received from the public and has confirmed that there is

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no objection to the proposal; therefore it is considered that the proposal complies with the requirements of policies CH33 and CH36.

6. Conclusions:

6.1 The proposal is unlikely to have a detrimental effect on the amenities of the local area or any nearby properties, the Conservation Area or the setting of the Grade II listed bridge. As a result, it is not considered that the proposal is contrary to any relevant policy noted above and, having considered all the objections, it is not considered that any relevant planning consideration states otherwise.

7. Recommendation:

7.1 To approve – conditions

1. 5 years
2. Ensure that the development is completed in accordance with the plans submitted.
3. Slates on the roof
4. Finish to match the existing house
5. Use as garage only/no supplementary residential/sleeping use
6. The work of cutting into the roof of the existing dwelling must be completed between the beginning of October and the end of April in any given year.
7. Before commencing any work involving this proposal, details for installing a bat box must be submitted and agreed and installed before commencing work on cutting into the roof.

Welsh Water Note