

<b>PLANNING COMMITTEE</b>	<b>DATE: 09/09/2024</b>
<b>REPORT OF THE ASSISTANT HEAD OF DEPARTMENT</b>	

**Number: 5**

**Application Number: C24/0478/42/DT**

**Date Registered: 17/06/2024**

**Application Type: Householder**

**Community: Nefyn**

**Ward: Morfa Nefyn and Tudweiliog**

**Proposal: Creation of an exterior rear balcony with privacy screen**

**Location: Tŷ Pen Lôn Las, Morfa Nefyn, Pwllheli, Gwynedd, LL53 6BG**

**Summary of the Recommendation: APPROVE WITH CONDITIONS**

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## 1. Description:

- 1.1. An application to carry out external works to a residential property by creating a first-floor exterior balcony to the rear of the property.
- 1.2. The site is located within the current development boundary of the village of Morfa Nefyn and within a relatively dense established residential area. For clarity, the site is not within the area of the Llŷn AONB designation (the closest part of the AONB boundary is approximately 270m to the west), but the area is located within the Llŷn and Enlli Landscape of Outstanding Historic Interest.
- 1.3. The proposal involves:
  - Creating a restricted outdoor area to be used as a balcony above the existing flat roof extension which extends out to the rear of the property. The length of the existing flat roof extension extends approximately 5.2m from the rear wall of the property and it can be seen that the majority of the roof area includes an established 'sedum' roof which is a roof covered in plants.
  - The existing permanent wall is approximately 1.6m high and extends 1.8m out of the property's main rear wall above the flat roof extension and the proposal would be to extend the outdoor area behind this wall with a permanent opaque glass handrail extending 1.7m beyond the wall to the edge of the flat roof extension. A clear glass handrail would be installed from the edge of the wall and across the roof for approximately 4m in length, and link to another 2.9m long handrail which would link back to the rear wall of the building so that it restricts the outdoor area behind the existing wall, which is a total of approximately 8.8m<sup>2</sup>. Therefore, for clarity, the external area would extend over the roof of the existing extension completely and be restricted by including the permanent handrails to a relatively small area, considering the total surface area of the existing roof, i.e. 35m<sup>2</sup>.
- 1.4. The application is submitted to the Planning Committee for a decision after receiving the observations of the Local Member, who confirmed that he objected to the proposal due to over-development and overlooking; even with a privacy screen, consideration must be given to the privacy of neighbours; a balcony would significantly disrupt the privacy and enjoyment of nearby houses; the extension to this property was recently approved with a clear condition that a balcony would not be approved.

## 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 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 7 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.

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2.3 **Anglesey and Gwynedd Joint Local Development Plan 2011-26, adopted 31 July 2017**

PS 1: The Welsh Language and Culture

PCYFF 1: Development boundaries

PCYFF 2 - Development criteria

PCYFF 3 - Design and place shaping

TRA 2 - Parking standards

TRA 4 - Managing transport impacts

PS 19 - Conserving and where appropriate enhancing the natural environment

AMG 5 – Local Biodiversity Conservation

AT 1 – Conservation areas, world heritage sites and landscapes, parks and registered historic gardens

2.4 **National Policies:**

Future Wales: The National Plan 2040

Planning Policy Wales (Edition 12 - February 2024)

Technical Advice Note 12: Design

3. **Relevant Planning History:**

3.1 C20/0898/42/DT - Extensions and alterations to the existing dwelling - Approved 01/03/21

3.2 Application C06D/0138/42/LL - Single-storey extensions to the front, side and rear of the existing dwelling house - Approved 04/05/06

4. **Consultations:**

Community/Town Council: Overlooking and impact on privacy and amenities of nearby residents.

Public Consultation: A notice was posted on the site and nearby residents were notified. The advertisement period has expired and two letters / items of correspondence have been received objecting on the following grounds:

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- Overlooking and the impact on the enjoyment and privacy of residents and nearby neighbours. In accordance with Policy PCYFF 2, paragraph 7, the application should be refused as a result of the impact on the amenities of other local occupiers. In addition, it is believed that it does not meet the requirements of paragraph 1 of Policy PCYFF 3 as it does not encourage and respect the considerations of the neighbourhood and consequently it does not meet the requirements of paragraph 4.
- The new screen being proposed would only save a little of the overlooking to the garden of Llaen Bach, and the tree, which is already there (but it could easily enough be felled in the future), but partly prevents the remainder of the overlooking to the garden.
- Such a balcony would also enable direct overlooking into the bedroom of Bryniau, and down to the rear yard of Clwyd. This again has a prominent impact on the amenities of other local occupiers.

As well as the above objections, objections were received that were not material planning objections and these included:

- The application is included within the Pen Llŷn Area of Outstanding Natural Beauty (AONB). It is not believed that this development does anything to protect, retain or enhance the special features of the AONB in accordance with Policy AMG 1 of the LDP.
- A similar application for a balcony on Tŷ Pen has already been made and has been refused because the balcony is overlooking and disrupting the enjoyment and privacy of nearby neighbours.
- Having such a balcony, would have a detrimental impact and would reduce the value of the neighbours' property.

## 5. Assessment of the material planning considerations:

### The principle of the development

- 5.1 It is a requirement that planning applications are determined based on the attributes of the specific scheme in question and in accordance with the adopted development plan, unless other material planning considerations state otherwise. The Anglesey and Gwynedd Joint Local Development Plan (LDP) is the adopted 'Development Plan' in this case.
- 5.2 Generally, policies PCYFF 2 and PCYFF 3 permit proposals for extensions and alterations to existing dwellings provided they do not have a detrimental impact on visual amenities and that they respect and enhance the appearance of the site and the area in general. In addition, extensions to existing buildings are required to:
- add to and enhance the character and appearance of the site, the building or the area in terms of siting, appearance, scale, height, massing and elevation treatment;
  - respect the context of the site and its place within the local landscape

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- 5.3 Policy PCYFF 3 of the Joint Anglesey and Gwynedd Local Development Plan (LDP) is the main consideration when assessing design, materials and the visual impact of any development. When looking at other houses in the vicinity, the variety in terms of design, size and bulk, include similar elements to what is proposed here, i.e. exterior balconies or terraces. There would be no substantial change to the appearance of the building deriving from this development, particularly considering its location in the rear of the property and is therefore outside prominent public elevations.

### **Visual amenities**

- 5.4 This proposal involves conducting work within a part of the outdoor area which has already been developed, i.e. a part of the roof of the existing extension. The proposal would be to carry out the work in a relatively small part of the existing roof and it is believed that this proposal, from considering its location to the rear of the site is acceptable and that it would not disrupt the layout and appearance of the site to acceptable degrees.
- 5.5 It must be acknowledged that common features such as balconies on other houses within the broader area vary in size and appearances and it is not believed that this proposal would be significantly different, if at all, to the types of developments that have already been approved locally.
- 5.6 Considering the proposal in terms of its visual impact, it is believed to be acceptable based on the design and scale and that it would, consequently, be acceptable based on the relevant requirements of the criteria of policy PCYFF 3 which, amongst other things, have the aim of ensuring that every proposal reiterates and improves the character and appearance of the site, the building or the area.
- 5.7 Given the size, form and location of the proposed development, it is not believed that the proposal will have a significant impact on the wider designation of the historic landscape that is relevant to this area, and therefore it is not considered that it would be unacceptable based on the relevant requirements of policy AT 1.

### **General and residential amenities**

- 5.8 The property is located between other two-storey residential houses. Open agricultural fields extend beyond the rear boundary of the site and are therefore consideration is only given to the impact on the adjacent housing. The location of the proposed development in the corner of the existing roof, with an existing permanent wall extending partly along the roof, which includes established plant growth in the form of a 'sedum' roof. The proposed outdoor area would not extend beyond this wall and the ability to go beyond the top of the wall is restricted due to the proposal to install a permanent glass handrail. It is true to say that the remainder of the outdoor area extends partly across the roof, and it is relatively likely that there would be some overlooking in relation to the far north-west corner of the outdoor area to a section of the garden of the residential property known as Llain Bach. But these elevations would be restricted here and from one section of the area instead of the whole area and the associated angle and distances would mean that it would not be wholly oppressive.
- 5.9 The other site of the balcony would extend more across the existing roof towards the residential property known as Bryniau to the north. There would be a distance of approximately 8m between the closest part of the glass handrail on this side and Bryniau and the permanent opaque glass handrail of approximately 1.6m high installed to protect elevations and to restrict the size of the outdoor area. It is likely that the situation would change from the current situation. However, it is

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not considered that the proposal is likely to have an unacceptable impact due to its size and location and the distance between buildings. Care has been taken to reduce the impact by restricting the surface area of the outdoor area and include features such as an opaque glass handrail. It must be borne in mind that this is an established and relatively dense residential area where gardens abut one another, and windows overlook and thus the existing disruption is inevitable as a result.

- 5.10 Therefore, in terms of this element, it is not believed that the development would disrupt the amenities of nearby properties to an unacceptable and significant degree. Therefore, having considered the impact in its entirety and having assessed the relevant considerations in full, it is not believed that the proposal would be entirely unacceptable nor, therefore, contrary to the relevant requirements of policy PCYFF 2.

#### **Transport and access matters**

- 5.11 This proposal relates to a proposal to carry out work to the rear of the property above the existing roof extension. It would not affect the existing access and parking arrangements to the front of the property and therefore it is not believed that any harm comes as a result of transport and access matters. Consequently, it is considered that the proposal is acceptable based on the relevant requirements of Policies TRA 2 and TRA 4.

#### **Biodiversity matters**

- 5.12 In accordance with recent legislative changes to Planning Policy Wales (PPW) and the need to introduce a Green Infrastructure Statement, a statement has been submitted and for the purpose of satisfying PPW in terms of this particular aspect, it is believed that this has been done in this case by confirming that bird boxes would be installed within the site (one on the house and the other in the garden), whilst the existing green roof would be maintained to continue to maintain and enhance the biodiversity of the site.
- 5.13 It is therefore believed that the proposal is acceptable on the grounds of the requirements of policies AMG 5 and PS 19 4 as well as the update to chapter 6 of Planning Policy Wales relating to green infrastructure and the phased approach.

#### **Relevant planning history**

- 5.14 An explanation of the site's planning background should be provided here due to the suggestion that previous applications for outdoor terraces/balcony were refused. From looking at the site's latest planning history, it can be seen that an outdoor terrace or balcony element is included as a part of planning application C20/0898/42/DT.
- 5.15 When discussing this application at the Planning committee at the time, it was decided to defer making a final decision in an attempt to seek further information on the potential impact of the development on the amenities of residents. The main concern was ensuring that the new first-floor terrace proposed would not have a harmful impact on the privacy of neighbours. It can be seen from the records at the time, and to assist with this, that the agent was asked to provide photographs or a video taken from the existing rear first-floor windows in order to have a reasonable impression of what would be seen from the new terrace. Another option that was suggested was removing the terrace from the plans. It can be seen that the agent has submitted an amended plan with the terrace removed from the proposal and after the application was submitted to the committee, it was approved.

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- 5.16 Therefore, to confirm, the previous application for a terrace/balcony on this property was not refused; the terrace/balcony element was removed from the proposal voluntarily; it does not appear from the records at the time that it would approve the previous application, "clearly subject to the balcony not being approved".

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

- 5.17. It is acknowledged that objections have been received to this proposal and it is considered that all relevant planning matters have been given appropriate consideration as part of the above assessment. A decision is made based on a full consideration of all the relevant planning considerations and all the comments received during the public consultation and that no one was let down when considering this application.

### **Language Matters**

- 5.18 In accordance with the Planning (Wales) Act 2015, it is a duty when making a decision on a planning application to consider the Welsh language, where it is relevant to that application. This is further reiterated in para. 3.28 of Planning Policy Wales (Edition 11, 2021), and Technical Advice Note 20. The Supplementary Planning Guidance (SPG) 'Maintaining and Creating Distinctive and Sustainable Communities' (adopted July 2019), provides further guidance on how it is expected for Welsh language considerations to be incorporated in each relevant development.
- 5.19 It is noted that there are some specific types of development where it will be required for the proposal to submit a Welsh Language Statement or a Welsh Language Impact Assessment. The thresholds in terms of when it is expected to submit a Statement/Report have been highlighted in Policy PS1 of the Joint LDP, along with Diagram 5 of the SPG. In terms of the type of developments in question, the following is noted: The proposal does not reach the thresholds for submitting a Welsh Language Statement or a Report on a Welsh Language Impact Assessment. However, Appendix 5 of the SPG notes that every housing, retail, commercial or industrial development where there is no need to submit a Welsh Language Impact Statement/Assessment should show how consideration has been given to the language.
- 5.20 The proposal submitted relates to carrying out work within an established residential site. Planning consent has already been approved in the past for work associated with the residential use, and the proposal before the committee involves carrying out further work. It is not considered that the proposed developments are likely to have a detrimental impact on the Language as a result of the proposal, therefore it is considered that it complies with the requirements of policy PS1 in that respect.

## **6. Conclusions:**

- 6.1 Having considered the above and all the relevant matters including the local and national policies and guidance, as well as all the observations received, it is believed that this proposal is acceptable and thus satisfies the requirements of the relevant policies as noted above.

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**7. Recommendation:**

- 7.1 To delegate powers to the Senior Planning Manager to approve the application, subject to the following conditions:
1. Time
  2. Compliance with plans
  3. Installation of handrail before using the outdoor area
  4. Installation of opaque glass and its retention before using the outdoor area.
  5. The development to be maintained in line with the improvements as noted in the Green Infrastructure Statement.