

**FLINTSHIRE COUNTY COUNCIL**

**REPORT TO:** **PLANNING COMMITTEE**

**DATE:** **26<sup>th</sup> JUNE 2019**

**REPORT BY:** **CHIEF OFFICER (PLANNING, ENVIRONMENT  
AND ECONOMY)**

**SUBJECT:** **FULL APPLICATION – ERECTION OF A SINGLE  
STOREY DETACHED DWELLINGHOUSE AND  
SINGLE STOREY GARAGE STRUCTURE,  
INCLUDING ALL OTHER ASSOCIATED WORKS  
(RETROSPECTIVE) AT TALOSSAMME,  
ABBOTTS LANE, PENYFFORDD.**

**APPLICATION  
NUMBER:** **059613**

**APPLICANT:** **MR AND MRS A BOWERS**

**SITE:** **TALOSSAMME, ABBOTTS LANE,  
PENYFFORDD**

**APPLICATION  
VALID DATE:** **21<sup>ST</sup> FEBRUARY 2019**

**LOCAL MEMBERS:** **COUNCILLOR C HINDS  
COUNCILLOR D WILLIAMS**

**TOWN/COMMUNITY  
COUNCIL:** **PENYFFORDD COMMUNITY COUNCIL**

**REASON FOR  
COMMITTEE:** **LOCAL MEMBER REQUEST  
IMPACT OF DESIGN ON NEIGHBOURING  
AMENITY AND STREETSCENE**

**SITE VISIT: YES**

**1.00 SUMMARY**

- 1.01 Full application for the erection of a single storey detached dwellinghouse and single storey garage structure, including all other works associated with completion at land adjacent to 'Talossamme', Abbots Lane, Penyffordd, Chester CH4 HW.

**2.00 RECOMMENDATION: TO GRANT PLANNING PERMISSION, SUBJECT TO THE FOLLOWING:-**

- 2.01
1. In accordance with approved plans
  2. No surface water to connect to the public sewerage network
  3. Restricted permitted development rights
  4. Retention of boundary hedgerows

**3.00 CONSULTATIONS**

3.01 Local Member  
Councillor C Hinds

Does not fit into local area, should be amended to have pitched roof

Councillor D Williams

Given the concern that has been expressed by neighbours, I wish to request a committee decision and site visit. The justification for this request is for committee members to view the perceived attempt to flaunt the planning system, view a contemporary proposal that is considered inappropriate in such a location, and provide member with the opportunity to debate the issues that have come about from this proposal.

I would like to express my concerns over this proposal, which is in effect an amendment to the approved plan. This amendment is necessary due to the developer building the dwelling higher than approved. The approval on appeal was for a single story dwelling, and although single story, a normal single story gutter height would have been significantly less than a construction with a flat roof. This increased wall height is therefore greater than that of a single story dwelling, and the proposed additional increase is therefore unacceptable.

It appears that an error has been made that has resulted in the height increase. In my opinion, there can be no excuse for such an error where a professional builder should be building to plan and such an error should not occur. If there was an error in the plan and a modification was made during building, this error should have been corrected in a different way to increasing the height.

As this is a new application, I also wish to express my concerns over such a contemporary design in this rural setting. The style of the building with the flat roof, and suggested finishes (that are very vague in the application) are completely out of keeping amongst predominantly brick and rendered structures with pitch roofs. Although the previous application set the precedence for approval, this is a new application and should be treated as such.

There is concern that the north facing walls with door and window is closer than statutory guidance permits. Actual heights and distances

between dwellings are not entered on the submitted plan, so to permit such a proposal without this information would be inappropriate as resultant issues for neighbours will not have been taken into account.

Penyffordd Community Council

No response at time of writing

Highways Development Control

No objection to proposal

Community and Business Protection

No adverse comments

Welsh Water/Dwr Cymru

Requests conditions

**4.00 PUBLICITY**

4.01 Neighbour Notification

4 Letters of Objection received

- Not a traditional single storey dwelling, overly dominant and overlooks neighbouring properties
- Out of character of local area
- Height on previous schemes was already an issue
- Queries future use of property given layout which is more commercial in nature

**5.00 SITE HISTORY**

5.01 **045547-** Outline - Erection of a detached dwelling. Refused 18/12/2008. Allowed on Appeal 28/7/2009

**049790-** Erection of a dwelling Approved 11/9/2012

**049792-** Renewal of Outline planning permission reference 045547 Approved 30/10/2012

**053856-** Renewal of Outline planning permission reference 049792 Approved 14/08/2015

**057284-** Erection of detached dwelling and garage Approved 6/10/2017

**057903-** Erection of 1no. dwelling Approved 15/2/2018

**058409-** Application for the approval of details reserved by condition nos. 3 (site levels), 4 (drainage) and 6 (materials) attached to planning permission ref. 057903- Approved 6/6/2018

## **6.00 PLANNING POLICIES**

### 6.01 Flintshire Unitary Development Plan

STR1- New Development

STR4- Housing

GEN1-General Requirements for Development

GEN2- Development Inside Settlement Boundaries

TH1- Development Affecting Trees and Woodlands

AC13- Access and Traffic Impact

HSG3- Housing on Unallocated Sites within Settlement Boundaries

EWP12- Pollution

EWP13- Nuisance

EWP16- Water Resources

D1- Design Quality, Location and Layout

D2- Design

Local Planning Guidance Note 2: Space Around Dwellings

## **7.00 PLANNING APPRAISAL**

7.01 This is a full application for the erection of a single storey four bedroom dwelling and detached garage of a contemporary design on land adjacent to Talossamme, Abbots Lane, Penyffordd. The application is being applied for in retrospect and the dwelling is substantially complete.

### 7.02 Site Description

The application site is land to the side of Talossamme and served by an access track off Abbots Lane which passes both Talossamme and Graigwen. The site has a number of fruit trees on it and a brick built outbuilding. It is bounded by mature hedging to the residential properties which surround the site. To the north west of the site are tennis courts. 5 and 7 Park Lane are bungalows. Talossamme and Graigwen are two storey semi-detached dwellings.

### 7.03 Planning History

Outline planning permission was granted on appeal by application 045547 on 28.07.09. This considered that the principle of development was acceptable in terms of the impacts of tandem development and vehicles passing other properties to access the site. This application proposed that the dwelling would be single storey to protect the privacy of the occupiers of Talossamme and those on Alyn Drive and Park Drive.

7.04 This outline planning permission was renewed on the 30<sup>th</sup> October 2012 under planning reference 049792, and again on the 14<sup>th</sup> August 2015 under planning reference 053856.

- 7.05 Further planning permission was granted for a single storey dwelling, reference 057284 on the 6.10.2017. The design approved was a contemporary design with marked similarities to the current proposal. A further planning permission was granted under planning permission 057903. This was a similar proposal to that previously approved under reference 057284, albeit with solar panels on the roof
- 7.06 Conditions attached to approval reference 057903, relating to Drainage, landscaping and materials were subsequently fully discharged and the current submission reflects the details approved through these conditions.
- 7.07 Principle of Development  
The principle of development, for a single dwelling on this site is well established. The Council has approved the principle to erect a dwelling five times following the initial appeal decision. This continued support from the Council for a dwelling in this location is a material consideration which attracts significant weight in the overall planning balance, In 2017 the detailed application established a contemporary design, this was again approved by the Council under delegated powers.
- 7.08 Proposed Development  
It is proposal is retrospective as the dwelling is largely complete. The dwelling is a detached house of a contemporary flat roof design with a detached garage. The dwelling is rendered with timber cladding and is open plan style with 4 bedrooms off the main living space. It is also proposed to erect a detached garage which is flat roof design with a height of 3.5 metres and rendered, this does not differ from previously approved schemes. The existing hedge boundary treatments would remain.
- 7.09 The previously approved scheme is in many ways identical to that currently being applied for, where it differs, however is the maximum height of the flat roof of the approved dwelling at 4.1 metres with a chimney at 4.9 metres compared to the current proposals with a maximum flat roof height of 4.5 metres and chimney at 5.2 metres. That is an increase in the flat roof height of 400 millimetres and an increase in the height of the chimney of 300 millimetres.
- 7.10 Whilst this differs from the approved scheme to a material degree, necessitating the new planning submission to regularise the development, I do not consider that this height increase renders the scheme unacceptable when viewed against the previously approved designs.
- 7.11 In reading the appeal decision on the original application it appears that the reason for the single storey dwelling restriction was not specifically the height and the impact on the street scene of the new

dwelling but the impact on privacy of surrounding occupiers of first floor windows. It is therefore considered that the design of the dwelling, which retains all accommodation at ground floor level, is acceptable and meets the requirements of the Inspectors decision. There is no potential for overlooking into adjacent properties.

- 7.12 The dwelling therefore complies with the separation distances in Local Planning Guidance Note 2: Space Around Dwellings. Permitted development rights can be removed in order to protect the future privacy and living conditions of existing neighbour. This has been the case with the subsequent approvals, and remains the case with the current design as whilst the maximum height of the flat roof has increased by 400mm the dwelling remains a single storey dwelling and no adverse overlooking is caused.
- 7.13 While there are a variety of dwellings types in the area it is also considered that this contemporary design is acceptable in this location as due to the height of the building it will not be unduly prominent within the street scene. Whilst there is a distinct character to the houses surrounding the tennis courts the new dwelling is largely screened from these properties and does not occupy a prominent place in the street scene. In the wider context there is a variety of different housetypes and I do not consider the use of a contemporary design to be prejudicial to the prevailing local character. The use of render and timber boarding is acceptable and appropriate for the design of the property.
- 7.14 The garden area is split between an area to the east and an area to the south west of the dwelling. It is considered that in combination these exceed the required 70m<sup>2</sup>.
- 7.15 Parking and turning is provided adjacent to the garage and within the garage. More than 3 spaces can therefore be provided to comply with the required parking standards.
- 7.16 Other matters
- Initial concerns were raised with regard to drainage capacity. This was dealt with in the last approval and a drainage scheme was submitted to the local planning authority and Welsh Water, and subsequently approved.
- 7.17 Abbots Lane is a public right of way however this will not be affected by the development.
- 7.18 Local Member has requested that the dwelling should have a pitched roof. It is considered this would be overbearing feature, as identified by the Inspector when allowing the appeal.

- 7.19 Local Member has also said as this is a new application there is an opportunity to explore matters of design. The principle of design has been established in the 2017 planning approval. This is a material consideration which would attract weight in the overall planning balance and to which the Council must have regard.
- 7.20 Local Member expressed it is not appropriate to approve a plan where measurements are not annotated on the plan. Annex 7 of Development Management Manual Wales Validation requirements states that a valid plan is required to be to a recognised scale and show the direction of North. As such the Council cannot require a plan with the measurements annotated on them.
- 7.21 Third party have raised concerns about the future use of the building. The dwelling would have the normal rights afforded to it by the Town and Country Planning (Use Classes) Order Wales. Any change to a children nursery would require planning permission.

## **8.00 CONCLUSION**

- 8.01 It should be noted that in considering the current proposal before the Committee the key point is the 400 mm increase in the building compared to the approved scheme, and whether the increase in height materially alters the planning balance to render the current proposal unacceptable in planning terms.
- 8.02 I consider, for the reasons discussed above, that the proposal to be acceptable and recommend approval subject to the conditions identified in paragraph 2.01.
- 8.03 Other Considerations
- The Council has had due regard to its duty under Section 17 of the Crime and Disorder Act 1998 and considered that there would be no significant or unacceptable increase in crime and disorder as a result of the recommended decision.
- 8.04 The Council has acted in accordance with the Human Rights Act 1998 including Article 8 of the Convention and in a manner which is necessary in a democratic society in furtherance of the legitimate aims of the Act and the Convention.
- 8.05 The Council has had due regard to its public sector equality duty under the Equality Act 2010.
- 8.06 The Council has had due regard to its duty under Section 3 of the Wellbeing of Future Generations (Wales) Act 2015 and considered that there would be no significant or unacceptable impact upon the achievement of wellbeing objectives as a result of the recommended decision.

**LIST OF BACKGROUND DOCUMENTS**

Planning Application & Supporting Documents

National & Local Planning Policy

Responses to Consultation

Responses to Publicity

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