

FLINTSHIRE COUNTY COUNCIL

REPORT TO: **PLANNING COMMITTEE**

DATE: **6TH NOVEMBER 2019**

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

SUBJECT: **AMENDMENT TO PLOT 36 – PROVISION OF SUN ROOM AT 2 FFORDD YR HYDREF, MOLD.**

APPLICATION NUMBER: **060131**

APPLICANT: **F.G. WHITLEY & SONS**

SITE: **2 FFORDD YR HYDREF, MOLD.**

APPLICATION VALID DATE: **19TH JUNE 2019**

LOCAL MEMBERS: **COUNCILLOR G.H. BATEMAN**

TOWN/COMMUNITY COUNCIL: **MOLD TOWN COUNCIL**

REASON FOR COMMITTEE: **MEMBER REQUEST TO ENABLE IMPACT ON ADJACENT PROPERTY TO BE ASSESSED.**

SITE VISIT: **YES (UNDERTAKEN 30TH SEPTEMBER 2019)**

Consideration of this application was deferred at the Planning Committee meeting held on 2nd October 2019. This was to allow further discussion to be undertaken with the applicant to seek to secure an alternative form of screening to the trellis/ pergola as proposed, between the application site and neighbouring property in order to seek to safeguard the living conditions of its occupiers. As a result it is now proposed to install a brick wall within the curtilage of the application site to address the concerns raised. Further consultation has been undertaken in this respect.

1.00 SUMMARY

1.01 This retrospective application which has been submitted following enforcement investigations, proposes an amendment to the dwelling which is currently nearing completion but is unoccupied at 2 Ffordd y

Hydref, Broncoed, Mold, to incorporate a sun room on the rear elevation.

1.02 As a result of concerns raised in respect of the potential overlooking of the rear curtilage of an adjacent property at 56 Ffordd Byrnwr Gwair, a number of options have been considered/received during progression of the application in order to seek to secure a satisfactory scheme, that seeks to safeguard the privacy/living conditions of the occupiers of this dwelling. Following deferral of the application at the October Planning Committee it is now proposed to replace the previously submitted trellis/ pergola by a brick wall. A further round of consultation has been undertaken in this respect.

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

2.01 Conditions

1. In accordance with approved plans.
2. Screen wall to be completed prior to occupation
3. Screen wall to be retained in perpetuity.

3.00 CONSULTATIONS

3.01 Local Member
Councillor G.H. Bateman
Original Scheme

Request a site visit and planning committee determination in order that the impact on the privacy/amenity of occupiers of adjacent properties can be assessed.

Amended Proposal

No response at time of preparing report.

Mold Town Council

Original Scheme

No objection.

Amended Proposal

No response at time of preparing report.

Pollution Control

No adverse comments.

4.00 PUBLICITY

4.01 Neighbour Notification
Original Scheme

1 letter of objection received which considers that the proposed measures to avoid overlooking of an existing property are

unacceptable as:-

- The structure is not very sturdy and will not survive adverse weather conditions.
- The open nature of the trellis will not provide adequate screening.
- The condition of the structure will deteriorate over time if used for growing plants.

Amended Proposal

7 letters of support which considers the introduction of a brick wall to be in line with that discussed by Members at the October Planning Committee. This will provide privacy for plots 36 & 37.

1 letter received which expresses concern and questions whether the height of the wall as proposed, will provide for adequate screening given the associated height of an average person within the sun room.

5.00 SITE HISTORY

5.01 037534

Outline – Erection of 78 No. dwellings – Allowed on appeal to The Planning Inspectorate 10th June 2005.

045139

Reserved Matters Application – Permitted 28th November 2008.

056381

Amendment to previously approved site layout to substitute the house types initially proposed on 13 No. plots (19 – 25 & 30 – 35) by 9 No. dwellings on plots 37 – 40 & 44 – 48 – Permitted 17th February 2017.

057579

Amendment to previously approved site layout to substitute house types on plots 9 – 17 & 26 – 29 by 9 No. dwellings (plots 31 – 36 & 41 – 43) – Permitted 7th December 2017.

6.00 PLANNING POLICIES

6.01 Flintshire Unitary Development Plan

Policy STR1 – New Development.

Policy GEN1 – General Requirements for Development.

Policy GEN2 – Development Inside Settlement Boundaries.

Policy D1 – Design Quality, Location & Layout.

Policy D2 – Design.

Policy D3 – Landscaping.

Policy HSG3 – Housing on Unallocated Sites within Settlement Boundaries.

Additional Guidance

7.00 PLANNING APPRAISAL

- 7.01 This full application proposes the retention of a sun room measuring approximately 3 m x 2 m x 3.5 m high that has been erected on a dwelling currently under construction but unoccupied at 2 Ffordd y Hydref, Broncoed, Mold.
- 7.02 The application has been submitted following enforcement investigations, and requires consent as the dwelling is unoccupied and does not benefit from permitted development rights. It is important to note that had the dwelling been occupied then permission would not be required for the sun room.
- 7.03 The plot the subject of this application shares a common site boundary with No. 56 Ffordd Byrnwr Gwair (No.56), with the rear curtilage area of this dwelling being approximately 1 m lower than the floor level that has been established for the sun room. The side elevation of the sun room is approximately 3.6 m from the common site boundary between the properties which is approximately 1.6 m in height. The separation distance between the northern elevation of the sun room and the main rear elevation of No. 56 is 15.m. There is a sun room to the rear of No. 56 and the separation from its rearmost elevation to the sun room which is the subject of this application is 11.8m.
- 7.04 In progression of the application, a number of options seeking to address the concerns of the occupiers of No. 56 have been considered. These measures principally included;
- a) the introduction of obscure glazing within side elevation of the sun room; or
 - b) the raising of the height of the existing common site boundary fence.
 - c) the erection of a 2 m high permanent privacy screen, comprising an arched trellis pergola.
- 7.05 Following deferral of the application at the October Planning Committee it is now proposed that a 2 m high brick wall be introduced in place of the previously proposed trellis/pergola. This would be introduced between the sun room and existing site boundary and form a continuation of the gable of the property.
- 7.06 Main Planning Considerations
The main considerations to be taken into account in determination of this application include:

- a) the safeguarding of the privacy/living conditions of the occupiers Ffordd Byrnwr Gwair when using their rear curtilage adjacent to the dwelling the subject of this application; and
- b) the visual impact associated with the introduction of the 2m high brick wall.

7.07 Privacy /Living Conditions

Whilst the principle of the erection of a sun room to the rear of the dwelling is not disputed, being in accordance with planning policy, I consider its retention is only acceptable with additional screening measures to avoid overlooking of the rear garden area of 56. It is considered that the combination of the existing common site boundary and the proposed wall set approximately 1.5 m behind it, to a height of 2 m and extending across the full width of the northern elevation of the sun room, will prevent overlooking of the garden area of the adjacent property from the sun room.

7.08 In coming to this view, I have had regard to the guidance set out within SPGN2 – Space Around Dwellings. The SPGN advises that, in cases where a window in a habitable room facing the flank wall (or side elevation) of an adjacent house a guideline of 12 metres from the wall should be applied. In addition, the SPGN advises that where there is a difference in land levels of 1m, a further 2m of separation should be sought. The relevance of this guidance to this application site is such that a separation of 14m would usually be expected to be provided.

7.09 It should be noted that in respect of all interfaces between the sun room and the main rear elevation of No. 56, a distance in excess of guideline distance is actually provided and therefore, the issue to consider is what impact upon living conditions is occasioned from the proposed sun room in terms of the opportunities afforded for overlooking of the sun room at No. 56.

7.10 The application identifies that the situation which currently exists would, allowing for a person of average height within the sun room and taking account of the height of the existing boundary (1.6m) between the properties, allow for degree of direct intervisibility between the sun room and the sun room at No.56. Accordingly, and as detailed in Paragraph 7.07 of this report, the proposed screening is advanced to act as a clear impediment to this opportunity, thereby avoiding any adverse impacts upon the living conditions of adjacent residents at No. 56.

7.11 Visual Impact

The proposed screen wall would be acceptable in visual terms and will help to assimilate the impact of development at this location. This type of installation is common within many curtilage areas, and in my view can be supported subject to conditions to;

- a) ensure its introduction prior to occupation of the dwelling; and

b) that the screening is retained in perpetuity.

8.00 CONCLUSION

It is considered that the retention of the sun room is only acceptable with the introduction of a suitable scheme of screening to minimise the impact of development on the occupiers of 56 Ffordd Byrnwr Gwair. The current amended proposal, when considered in combination with the fence on the existing common site boundary would meet the fundamental objective of preventing harm from overlooking from the sun room of the garden area associated with the existing dwelling and would also be acceptable from a visual perspective. It is therefore recommended that permission be granted subject to conditions.

8.01 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.

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.

The Council has had due regard to its public sector equality duty under the Equality Act 2010.

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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