

FLINTSHIRE COUNTY COUNCIL

REPORT TO: **PLANNING COMMITTEE**

DATE: **10TH JUNE 2020**

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

SUBJECT: **HOUSEHOLDER APPLICATION FOR EXTENSION TO PROPERTY, REAR DORMER EXTENSION LARGER THAN THAT APPROVED UNDER APPLICATION 056862 AT 2 ETNA COURT, BUCKLEY**

APPLICATION NUMBER: **060671**

APPLICANT: **MR S HALLIWELL**

SITE: **2 ETNA COURT, BUCKLEY**

APPLICATION VALID DATE: **06.11.2019**

LOCAL MEMBERS: **COUNCILLOR MIKE PEERS**
COUNCILLOR D. HUTCHINSON

TOWN/COMMUNITY COUNCIL: **BUCKLEY TOWN COUNCIL**

REASON FOR COMMITTEE: **MEMBER REQUEST – OVERBEARING IMPACT UPON THE LIVING CONDITIONS OF THE ADJOINING OCCUPIERS**

SITE VISIT: **YES**

1.00 SUMMARY

1.01 This is a retrospective planning application which seeks permission for a dormer extension which has been constructed larger than that previously approved under application number 056862 upon the rear elevation of No. 2 Etna Court, Buckley.

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

2.01 1. In accordance with approved plans.

3.00 CONSULTATIONS

3.01 Local Members: Councillor M J Peers

Request for this application to be referred to Planning Committee for them to consider the consequences and impact of this retrospective planning application against which was originally approved under 056862. Requests a site visit for Members to see the actual setting of this development and local impact above that previously approved. Has the preliminary views that from what was approved to be a modest increase in width of the existing dormer without any extension out toward the rear building line, the works carried out without permission have changed the dormer window into French door with proposed Juliet balcony in proximity of No. 1 Etna Court. This can be considered to have an overbearing impact on the amenity of the residents of No. 1 Etna Court.

Councillor D Hutchinson:
No response received to date.

Buckley Town Council:
It would appear that the original window on the side of the property has now become a French door with a Juliet Balcony. This has resulted in an overbearing aspect in relation to the next door neighbour.

Community and Business Protection
No adverse comments to make regarding the proposal.

Natural Resources Wales:
Do not consider that the proposed development affects a matter listed on their consultation topics and therefore do not have any comment to make on the proposed development.

4.00 PUBLICITY

4.01 Neighbour Notification

1 letter of objection received raising the following issues

- Not in keeping with the surrounding properties of Etna Court
- Loss of privacy to the rear garden of their property.
- The application is retrospective and the owner have not built in line with the plans approved previously.
- Devaluation of their property.

5.00 SITE HISTORY

5.01 056862 – Proposed extension – Granted 19th June 2017.

6.00 PLANNING POLICIES

- 6.01 Flintshire Unitary Development Plan
Policy GEN1 – General Requirements for Development
Policy D2 – Design
HSG12 – House Extensions and Alterations

SPGN No1. Extensions and Alterations to Dwellings
SPGN No2. Space Around Dwellings.

National:

Planning Policy Wales Edition 10 December 2018.
Technical Advice Note (TAN) 12: Design (2016).

7.00 PLANNING APPRAISAL

7.01 Site Description and Proposal

The site application relates to the rear elevation of No. 2, Etna Court, Buckley, which is a detached dormer bungalow constructed of brick walls and tiled roof. It is set within a small courtyard development of three bungalows constructed of a similar design and materials. It is located off Etna Road.

- 7.02 This is a retrospective application to regularise works for a rear dormer extension which has been constructed larger than that previously approved under planning reference 056862.

- 7.03 The dormer now measures approximately 2.8m x 4m x 3.4m (height to ridge) and is constructed within white UPVC clad walls with a slate roof. The increase in size is approximately 0.7 m x 1.7 m x 1.3 m (height) over that which was approved under 056862.

7.04 Background

Planning permission was granted under delegated powers, reference 056862 for a proposed side extension together with an extension to the pitched roof dormer nearest No. 1 Etna Court. The application which was approved was a dormer measured approximately 2.1m x 2.3m x 2.1m (height to ridge) and constructed within white UPVC clad walls with a slate roof.

- 7.05 The development has been completed but the extension to the pitched roof dormer has not been built in accordance with the approved plans in that it has been built larger in size. The dormer, as built, has been constructed partly off the raised wall plate and is nearer to the gable end of the roof nearest No.1 Etna Court. In addition, the glazing upon the rear elevation has changed to two french doors with a Juliet balcony. This retrospective application is submitted seeking to regularise the development.

7.06 **Main issues**

It is considered the main issues within the determination of this application are the effects upon the character and appearance of the building and surrounding area together with the effects upon the living conditions of the occupiers of existing adjacent dwellings.

7.07 **Character and Appearance**

The development is larger in size and scale, is not set down from the main ridge and built off part of the rear wall plate of the dwelling to that previously approved.

7.08 However, the dormer as built is subsidiary in scale and form when compared to the existing dwelling and the overall roofscape. This is because even though the dormer is set in line with the main ridge of the dwelling, it is set in from the western gable and still incorporates a pitched roof and constructed within matching materials to those of the dormer upon the eastern gable. These measures ensure that the dormer as built does not represent overdevelopment of the site. The proposal therefore accords with part a of Policy HSG12.

7.09 The proposal is also located upon the rear elevation which is not visible from the estate road which minimises its impact on the design and setting of the existing dwelling and surroundings area. It is also important to note that the general vernacular of Etna Court as a modern infill development means the proposal respects the design and setting on the area. The proposal is also therefore considered to comply with part b of Policy HSG12.

7.10 In addition, paragraph 6.6 of SPGN No. 1 advises that dormer windows should be kept as small as possible, not occupy more than 40% of the area of the roof slope and must be recessed in from the sides by at least 750 mm. It is considered that the development accords with this paragraph in SPGN No. 1.

7.11 **Impact upon Living Conditions of the Neighbouring Occupiers.**

The dormer now is closer to the neighbouring property No. 1 Etna Court upon its western side by approximately 0.5 m and further forward by approximately 0.9 m. It also includes French doors and a Juliet balcony upon the front elevation.

7.12 The development will only overlook the rear garden of No. 1 Etna Court and not to any of their habitable rooms. This is a not dissimilar arrangement to the dormer approved under 056862.

7.13 Notwithstanding the decreases in distances between the development and No. 1 Etna Court, the alterations are not considered to be so significant as would warrant refusal. It should be noted in this regard that the guidance set out in SPGN No. 2 : Space About Dwellings only introduces protection to habitable rooms. A degree of overlooking of

rear garden spaces from upper adjacent floors is not uncommon. Indeed, Members will recall that this was the view taken by the Inspector on the appeal at Bryn Llwyd Yard, North Street, Caerwys (055725). Therefore, it is considered that the development does not have a significant increased detrimental impact upon the living conditions in terms of overlooking into their garden.

7.14 **Other Matters**

The application is retrospective and the owner has not built in accordance with the plans approved previously, however, the legislation allows for retrospective applications to be submitted.

7.15 In terms of loss in value to neighbouring properties, the planning system is not in place to protect a private interest and therefore significant weight cannot be attached to this matter in the overall planning balance.

8.00 CONCLUSION

It is therefore considered that all of the matters in the consideration of this development are acceptable and that planning permission should be granted.

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.

8.02 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.

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

8.04 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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