

FLINTSHIRE COUNTY COUNCIL

REPORT TO: **PLANNING COMMITTEE**

DATE: **4TH OCTOBER 2017**

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

SUBJECT: **FULL APPLICATION – ERECTION OF DETACHED DWELLING AND GARAGE AT THE SPINNEY, HUXLEYS LANE, HOPE**

APPLICATION NUMBER: **056859**

APPLICANT: **MR DARREN COOPER**

SITE: **THE SPINNEY, HUXLEYS LANE, HOPE**

APPLICATION VALID DATE: **04.05.17**

LOCAL MEMBERS: **COUNCILLOR G HEALEY**

TOWN/COMMUNITY COUNCIL: **HOPE**

REASON FOR COMMITTEE: **LOCAL MEMBER REQUEST DUE TO OVERDEVELOPMENT AND IMPACT ON PRIVACY**

SITE VISIT: **YES**

1.00 SUMMARY

1.01 This is a full planning application for the erection of a single dwelling garage on land adjacent to The Spinney, Huxley's Lane, Hope. The principle of a dwelling on the site has been established by 053479. It is considered that a two storey dwelling is not out of character with the surrounding area and would not give rise to significant adverse impacts on the surrounding area.

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

- 2.01
1. Time commencement
 2. Plans
 3. Materials – brick to be agreed
 4. Site levels
 5. Remove permitted development rights
 6. Landscaping
 7. Drainage – foul, surface water and land drainage

3.00 CONSULTATIONS

3.01 Local Member
Councillor G Healey

Asked for committee determination and a site visit on the grounds that two-storey development is an overdevelopment of this particular site and is not in keeping with the neighbouring properties. It overlooks the Spinney and is an infringement of privacy.

Hope Community Council

Opposed as it is not in keeping with the surrounding buildings. The Council would support the building of a bungalow but not a house.

Highways Development Control Manager

No objection.

Public Protection Manager

No adverse comments to make.

Clwyd Powys Archaeological Trust

There will be no direct impact to the scheduled or unscheduled remains of Wat's Dyke as the new house and garage lie to the west of the former bank and buried ditch.

CADW

The line of Wat's Dyke runs immediately to the west of the application area but at this point is not designated. The designated sections for the Dyke are located some 26m to the northeast (FL172 Wat's Dyke: Section N of Carlton Grange) and 38 m, to the south west (FL118: Wat's Dyke: Section N of Bryn Estyn). However intervening buildings and vegetation block all views between the designated section of the Dyke and the proposed development. As such the proposed development will not have any impact on the setting of any scheduled monument.

Welsh Water/Dwr Cymru

No objection subject to drainage conditions.

Public Rights of Way

Public Footpath 61 abuts the site but is unaffected by the development.

4.00 PUBLICITY

4.01 Press Notice, Site Notice and Neighbour Notification

The development affects a public right of way.

Initial scheme

3 objections on the grounds of;

- While they support a new dwelling being built on the land it is not considered that the proposed two storey dwelling is not in keeping with the character and appearance of the area. Brick would be more in keeping than render. The style of the dwelling is also out of character with the area.
- Outline consent was for a single storey dwelling only
- Impact on the privacy of the adjacent dwellings
- Overlooking of rear gardens
- The adjacent Beeches are 1.5 metres lower than the application site
- Surface water concerns

Re-consultation on amended house type

4 objections on the grounds of;

- While the height has been reduced our initial comments still stand and it should be a single storey dwelling
- Impact on right to light
- Impact on privacy
- Impact on the character of the area
- Overlooking to gardens

A further letter of objection was received on behalf of the owners of three of the dwellings on the Lane stating their concerns as;

- The proposal seriously & negatively impacts the character, the balance and appearance of the area due to it bordering two bungalows, this is contrary to the outline planning that was agreed by all the stakeholders.
- The proposal is completely contrary to the outlining planning
- The proposal also doesn't follow the 053479 application on height & staying below the 5.5 m ridge height restrict imposed, staying all on one level.
- The siting or location of this proposal suggests 4-5 bedroom house which breaches the privacy of the SPINNEY property with windows looking directly into our garden of our property, and damages its own value
- The proposal is not in keeping with the surrounding dwelling which are bungalows, it affects the light for the dwelling directly behind this building

5.00 SITE HISTORY

5.01 053479 - Outline application for the erection of a dwelling. 21.05.15

6.00 PLANNING POLICIES

6.01 Flintshire Unitary Development Plan

STR1 - New Development

STR4 - Housing

STR10 - Resources

GEN1 - General Requirements for New Development

GEN2 – Development Inside Settlement Boundaries

D1 - Design Quality, Location and Layout

D2 - Design

D3 - Landscaping

AC2 – Pedestrian Provision and Public Rights of Way

AC13 - Access and Traffic Impact

AC18 - Parking Provision and New Development

HSG3 – Housing on Unallocated Sites Within Settlement Boundaries

EWP16 – Water Resources

Planning Policy Wales Edition 9

Technical Advice Note 1 Joint Housing Availability Studies 2015

7.00 PLANNING APPRAISAL

7.01 Introduction

This is a full planning application for the erection of a single dwelling including garage on land adjacent to The Spinney, Huxley's Lane, Hope.

7.02 Site Description

The application site is located off Huxleys Lane off Hawarden Road Hope. The application site is part of the garden of The Spinney which is a bungalow located to the north of the application site. There is a detached garage on the site. To the west of the site is the residential development of the Beeches which are two storey detached dwellings. To the south of the site is a two storey dwelling known as the Woodlands. To the east of the application site is a single storey cottage Bryn Tudor.

7.03 Proposed Development

It is proposed to erect a two storey detached dwelling and detached garage with access off Huxleys Lane. A new driveway would be created for the new dwelling and a new driveway for The Spinney.

7.04 Principle of Development

The application site is within the settlement boundary of Hope, Caergwrle, Cefn-y-Bedd and Abermorddu which is a Category B settlement in the adopted unitary development plan. HSG3 allows for housing on unallocated sites within settlement boundaries. Formal

monitoring of growth within these settlements ended in 2015, however as of April 2015 the growth rate of the settlement was 9.6% Outline permission was granted in May 2015 for a dwelling on the site. The principle of development has therefore been accepted.

7.05 Impact on the character of the area

Residents have raised concerns about a two storey property in this location. There are a number of dwelling types on Huxleys Lane and in the surrounding area to the west. These are a mixture of single and two storey properties of varying architectural styles.

7.06 While The Spinney and the adjacent cottage Bryn Tudor are single storey dwellings; Woodlands and the properties on The Beeches are all two storey properties. The properties on the road frontage with the A550 are also a mixture of single storey and two storey.

7.07 It is therefore considered that a two storey property is not out of character with the area. The originally proposed design of the dwelling was out of context with its site and surroundings, however, following discussions with the applicant this has been amended to a simpler designed property set in to the ground. The external finish of the property was proposed to be render however it is considered that as the majority of the dwellings in the area are brick that this would be more appropriate. This can be dealt with by condition. It is considered the design of the dwelling is in keeping with its surroundings.

7.08 Impact on Residential Amenity

The proposed dwelling has been orientated to minimise any impacts on the adjoining properties. The principle elevations face north towards the Spinney and south towards Woodlands, however the siting of the dwelling does not directly overlook either property. The separation distances between the Spinney and the proposed dwelling are 22 metres. The separation between the Woodlands and the proposed dwelling is 19 metres however again there is no direct overlooking between habitable windows. There are no windows to habitable rooms on the side elevations which face 28 The Beeches and the Bryn Tudor. There is also a single storey garage between the proposed dwelling and Bryn Tudor. The siting of the dwelling therefore complies with Local Planning Guidance Note 2: Space Around Dwellings.

7.09 Other Matters

There is a public right of way which runs along the eastern boundary of the site but outside the application site. This has been blocked with the current domestic hedgerow however the creation of the new driveway to The Spinney provides an opportunity for this to be reopened. This is outside the application site. The creation of the new driveway to the Spinney would not require planning permission as it is a new access to a private drive.

8.00 CONCLUSION

8.01 The principle of a dwelling on the site has been established by 053479. It is considered that a two storey dwelling is not out of character with the surrounding area and would not give rise to significant adverse impacts on the surrounding area.

8.02 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

Contact Officer: Emma Hancock
Telephone: (01352) 703254
Email: emma.hancock@flintshire.gov.uk