

**FLINTSHIRE COUNTY COUNCIL**

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

**DATE:** **2<sup>ND</sup> OCTOBER 2019**

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

**SUBJECT:** **APPEAL BY MR. I. THOMAS AGAINST THE DECISION OF FLINTSHIRE COUNTY COUNCIL TO REFUSE PLANNING PERMISSION FOR THE OUTLINE APPLICATION FOR THE ERECTION OF A DETACHED BUNGALOW AT 19 HIGHER COMMON ROAD, BUCKLEY – DISMISSED.**

**1.00 APPLICATION NUMBER**

1.01 059047

**2.00 SITE**

2.01 19 Higher Common Road, Buckley. CH7 3NG

**APPLICATION VALID DATE**

3.01 14.11.18

**4.00 PURPOSE OF REPORT**

4.01 To inform Members of the decision of the Inspectorate in relation to a planning appeal, against the refusal of outline planning permission with all matters reserved by Flintshire County Council.

4.01 The appeal was determined via the written representations procedure and was determined by the Inspector Mr I Lloyd, the appeal was **DISMISSED.**

**5.00 REPORT**

5.01 The Inspector considered the main issues in this case to be the effect of the proposal on the living conditions of nearby residents in relation to noise and disturbance, and the effect of the proposal on the character and appearance of the area.

- 5.02 During his consideration of the case the Inspector noted that the appeal site was located to the rear of Nos 15 and 17 and 19 Higher Common Road, situated within the Settlement Boundary of Buckley. Access to the site is proposed to be located between No 15 and No 17. The Inspector considered the illustrative plan as a material consideration of how the site was intended to be developed.
- 5.03 The point of entry for the access point passes in between the gables of two houses, the width of the access is a single car width, with the boundaries of the drive way comprising of fencing and some hedge.
- 5.04 No 15 has an existing living room window on the window facing the proposed driveway and No. 17 has a kitchen window (both these are considered by the Local Planning Authority to be habitable rooms for the purposes of consideration and assessment by the LPA on the impact upon residential amenity and the application of the relevant planning policies of the Unitary Development Plan).
- 5.05 The parking and turning area for the proposal is proposed to be adjacent to the rear boundary of both No. 15 and No. 17 with mixed boundaries comprising of fencing and low hedge on part on the boundaries. Rear habitable rooms on the ground floor of No. 15 face the site with a low height boundary in very close proximity to the boundary of the appeal site where parking and turning associated with the development site are shown on the illustrative plan submitted as part of the submission.
- 5.06 The Inspector noted that whilst the parking and turning area shown on the illustrative plan is not fixed, it does serve to illustrate that in its current form the proximity of the parking area. Is so near to No 15 that the outlook from this property would be significantly altered and harmed. Furthermore the Inspector noted that the impact on the occupiers of No 15 in terms of disturbance from manoeuvring vehicles so close to the rear windows would be injurious to the occupants living conditions.

It was the Inspectors view that this alone would be sufficient reason to turn down the appeal, as he considered that the appeal conflicts with the Flintshire Unitary Development Plan, policies GEN1, D2 and HSG3.

- 5.07 The Inspector noted that the Council considered the layout to appear cramped and its orientation and physical shape of the plot fails to harmonise with the area. The Inspector has considered the details of the case on its individual merits and particular circumstances of this case. He considered the configuration could be considered as it may overcome this concern. He concluded that it doesn't outweigh his conclusion on the adverse impact upon living conditions and considers that the planning balance against allowing this appeal.

**6.00 CONCLUSION**

6.01 The Inspector in light of the above reasons considered that the appeal should be **DIMISSED**.

**LIST OF BACKGROUND DOCUMENTS**

Planning Application & Supporting Documents

National & Local Planning Policy

Responses to Consultation

Responses to Publicity

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