

PLANNING COMMITTEE	DATE: 16/10/2017
REPORT OF THE SENIOR PLANNING AND PUBLIC PROTECTION OFFICER	DOLGELLAU

Number: 1

Application Number: C17/0730/14/LL

Date Registered: 24/07/2017

Application Type: Full - Planning

Community: Caernarfon

Ward: Menai (Caernarfon)

Proposal: Two-storey extension at the property's northern gable end together with installing a dormer window at the front (amended plan to that withdrawn under application No. C17/0436/14/LL)

Location: 43, Llys Gwyn, Caernarfon, LL55 1EN

Summary of the Recommendation: TO APPROVE SUBJECT TO CONDITIONS

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1. Description:

- 1.1 This is an application from the occupiers of the house to locate a two-storey extension at the property's northern gable end together with installing a dormer window at the front of the extension. The proposal also includes a patio with a safety screen in front of the extension's side door in order to take the land levels of this part of the curtilage into account. It is also intended to install *velux* windows in the rear of the existing roof and at the front of the roof to bring light into the rooms on the first floor. Internally, the extension will provide a kitchen and dining room on the ground floor with a bedroom on the first floor. Externally, the extension will comprise a natural slate roof and with slates also on the sides and roof of the roof light, a pebble-dash render to match the existing walls along with white UPV-c openings to also match the existing ones. The side extension would extend 5.1m outwards from the northern side of the existing property with a width of 6.7m. The height of the extension to the ridge will be approximately 900mm lower than the main roof.
- 1.2 The property is a one and a half storey house with a steep slate roof (approximately 48 degrees), the site is located above Llys Gwyn and below Cae Gwyn which is served by an access that connects to the unclassified county road (Llys Gwyn). The property is situated within quite a substantial curtilage which also includes a *folly* with parking and turning spaces opposite the tower itself. The rear of the Cae Gwyn dwellings are behind the site and include a number of extensions, balconies and various conservatories with the rear of the Llys Gwyn dwellings located below the site which also include extensions in the form of conservatories in addition to garden furniture and structures i.e. sheds and decking. The site lies within the development boundary of Caernarfon.
- 1.3 This is an amended application by the applicant to the plan withdrawn under application No. C17/ 0730/14/LL as a result of objections received by the occupants of the Cae Gwyn dwellings on the grounds of a detrimental impact on residential amenities.

2. Relevant Policies:

- 2.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 and paragraph 2.1.2 of Planning Policy Wales emphasise that planning decisions should be made in accordance with the Development Plan, unless material considerations indicate otherwise. Planning considerations include National Planning Policy and the Unitary Development Plan.
- 2.2 The Well-being of Future Generations Act (Wales) 2015 places a duty on the Council to take reasonable steps in exercising its functions to meet the 7 well-being goals within the Act. This report has been prepared in consideration of the Council's duty and the 'sustainable development principle', as set out in the 2015 Act. In reaching the recommendation, the Council has sought to ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs.
- 2.3 **The Gwynedd and Anglesey Joint Local Development Plan (July 2017 - LDP) (as amended by the Inspector's Report, 30 June 2017):-**

Policy PCYFF2 - development criteria.

Policy PCYFF3 - design and place shaping.

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2.4 National Policies:

TAN12: Design (2016).

3. Relevant Planning History:

- 3.1 Application no. C17/0436/14/LL - Single side extension along with installation of dormer windows in the front and rear - withdrawn by the applicant in July 2017 on the grounds of objections from local residents.

4. Consultations:

Community/Town Council: Support

Public Consultation:

A notice was posted on the site and nearby residents were notified. The advertising period has expired and correspondence was received from the occupants of those dwellings which are located adjacent to the application site objecting on the following grounds:

- Loss of light to rooms within the houses and to the gardens.
- Create a mask and oppressive structure for occupants of these houses.
- Overlooking and loss of privacy.
- Concern about the process of excavating the foundation into the rock and causing damage to nearby properties.
- Using the outside patio would noise disturbance to nearby occupants.

In response to the above objections, the applicant has stated:-

- Confident that the extension would not reduce light to the houses above the application site (number 45 and 46 Cae Gwyn) by taking into account the distance of the extension from the neighbour's property, the direction the sun moves in the sky and that the houses are higher than the application site.
- The new roof light at the front of the extension would not overlook the rear of the dwellings below in Llys Gwyn considering the angle of extension which means that it would not directly face the dwellings.
- The house touches nine different dwellings which means there will be some element of disruption to on the amenities of neighbouring residents.
- The roof of the extension will be lower

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than the main roof, reducing their overall impact.

- The dormer will be located on the wall within the bedroom which helps protect the privacy of the neighbours below.
- It would be possible to erect a fence around the western boundary of the site in order to reduce any overlooking.
- Community overlooking already exists between the dwellings in the vicinity of the application site.

5. Assessment of the material planning considerations:

The principle of the development

- 5.1 Policy PCYFF2 states that proposals that would have a significant detrimental impact on health, safety or amenities of the owners of local property, land materials or other property or the features of the local area due to an increase in activities, disturbance, vibration, noise, dust, fumes, litter, drainage, light pollution or other forms of disturbance or pollution, will be refused. Policy PCYFF 3 states that proposals will be approved, including extensions and changes to existing buildings and structures, if they comply with a number of criteria including that the proposal adds or improves the character or appearance of the site, the building or the area in terms of setting, appearance, scale, mass, the height and elevation treatment; that it respects the context of the site and its place in the local landscape; that it uses materials that are appropriate to their surroundings and incorporates soft landscaping; that it improves a safe and integrated transport and communications network; that they limit the risk and danger of flood water run-off and prevent pollution; that it achieves an inclusive design that allows access for all and helps to create healthy and lively environments taking into account the health and well-being of future users. To this end, and by taking this assessment into account, it is believed that the proposal is acceptable in principle.

Visual amenities

- 5.2 As referred to above, the site is a very prominent site in the street-scape considering that it has been erected on a plateau of rocks between Llys Gwyn below and Cae Gwyn above. The extension is of a simple appearance and follows the forms of the existing property based on materials and a separate design to install a dormer window in the front. It is also believed that its scale and location is suitable for the site along with its setting within an established residential area which also includes a considerable number of dwellings which have been adapted and extended in the past. To this end, therefore, it is believed that the proposal is acceptable based on the requirements of Policy PCYFF3 of the LDP and the advice included in the TAN12 Design document.

General and residential amenities

- 5.3 The application site is surrounded by residential properties; the occupants of five of these dwellings have objected this latest application on the following grounds:-

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- Loss of light (number 45 and 46 Cae Gwyn) - both of these dwellings are located directly behind the application site and the proposed extension. The extension is to be located in a void which is a residential curtilage to the applicant's property with unrestricted views to the west. The extension would extend 5.1m outwards from the present gable end of the house which means that some of this void would be filled with a solid structure in the form of an extension. There will be a void of 7-11m between the rear of these dwellings and the rear of the proposed extension, and as a result of this, there will be some element of loss of light, but it is believed that this impact would not be significant when taking into account the void between the extension and the dwellings to the rear, and that the roof of the extension, along with the fact that it would be a slate roof running off the rear of these dwellings, would be lower than the main roof.

In cases where loss of light is raised by objectors, the courts have declared that although the loss of light and darkening is a relevant planning matter, every case should be considered on its own merits as there is no legal definition on what constitutes a *significant* loss of light. In this case, it is believed that the proposal will not have a significant impact on the residential amenities of the occupants of number 45 and 46 on the grounds of loss of light to their gardens and rear rooms. The application was objected by the occupants of 32 Llys Gwyn which is located to the north-west of the application site. However, taking into account the void of 15m between the northern gable end of the extension and the closest elevation of number 32 (despite that it is located below the application site), there is a high wall and vegetation located between the two sites and by considering the layout of the extension in relation to the layout of number 32 and the their relationship with the sun's path, it is not believed that the extension would substantially darken the rooms of gardens of number 32. It is also noted that number 32's main elevation does not face the site and the proposed extension as the main openings are located in the front and rear of this particular property. Although openings are located on the southern elevation, they include a side door with a large window above, and a sizeable window also located close to the western corner of number 32 which is further away from the location of the extension. It is therefore believed, that the proposed extension will not cause considerable shadowing towards number 32 Llys Gwyn.

- Create a mask and oppressive structure (number 45 and 46 Cae Gwyn) - by taking the above assessment into account, loss of light can be a natural occurrence as a result of creating an oppressive structure which masks nearby occupants. As has already been stated, the location of the proposed extension is currently a void with unrestricted views towards the west. It is recognized that an element of this void will be replaced by a solid structure, but it is believed by considering the above factors (an open space between the rear of the dwellings and the rear of the extension, the slope and form of the roof along with the roof's height), the extension would not create a structure that is a significant mask or be so significantly size that would be at the expense of the residential amenities of the occupants of these dwellings. To the same effect, although the extension would be 5.1m closer to the boundary with number 32 Llys Gwyn, it is not believed that it would create a significant oppressive structure at the expense of the residential amenities of number 32 Llys Gwyn by considering the layout of the extension itself compared with the layout and location of number 32 (see above).
- Overlooking and loss of privacy (relevant to the five adjacent houses) - the property is located in an established residential estate; due to the layout and location of the dwellings an element of overlooking and loss of community and passive privacy already exists in the area of the application site, and this has been an important

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consideration which is material in the element of overlooking which is associated with this application. By considering the location of the extension's openings, it is believed that there will no overlooking towards the dwellings above and to the rear of the extension itself, but there will continue to be overlooking from these dwellings down towards the application site. However, any overlooking and possible loss of privacy will be more prominent from the front and gable end of the proposed extension. The setting of the applicant's house on a plateau of rocks means that it is much higher than the dwellings situated below (these are the dwellings located within Stad Llys Gwyn). Taking into consideration the height difference in relation to, for example, number 28 and 30 Llys Gwyn below, means that any views from the extension's windows would look above the roofs of these dwellings. By also considering the steep angle of the rear windows and the gardens of number 28 and 30 Llys Gwyn, it is believed that this in turn will significantly reduce any direct overlooking (undoubtedly at eye level) between the users of the extension and occupants of the dwellings below. The dwelling known as number 32 Llys Gwyn is located to the north-west of the application site and is set slightly higher in the townscape than numbers 28 and 30 Llys Gwyn. A void of approximately 15m will exist between the corner of the extension closest to number 32 and the back garden located approximately 1.5m lower than the application site.

- Concern regarding excavating into the rock in order to create a foundation for the extension - the extension will be the subject of building regulation requirements in terms of the building work. Welsh Government has stated that planning authorities should not try to develop the regulations of other systems such as building regulations through the planning system, and in addition to this, it is assumed that such a concern is not a planning matter and is a civil matter to be discussed between the relevant parties.
- Noise disturbance - an objection was received on the grounds that using the outside patio would create a disturbance at the expense of residential amenities of neighbouring occupants. The proposal will entail installing a patio directly opposite the the northern gable end of the proposed extension measuring 3m wide and 3.6m in length with a patio door opening from the dining room. The patio and the extension will be located within the property's extensive existing curtilage and within this context, it must be considered that the applicant has an existing right to undertake regular family activities without the intervention of the planning system. It is not believed that installing a new patio as part of of the proposal would be different to a vast majority of nearby dwellings which already have amenity spaces such as patios and decking in their gardens and that such activities are an integral part of the character of residential areas.

5.4 By considering the above assessment under the heading residential and general amenities, it is believed that the proposal as submitted is acceptable on the basis of its impact on residential amenities of neighbouring residents and, therefore, conforms with the requirements of Policy PCYFF2 of the LDP.

Response to the public consultation

5.5 Many objections were received by neighbouring residents to the proposal following the statutory notification period, and these objections have been considered thoroughly and carefully in this assessment. It is considered that the above discussion deals with and responds to the objections which enables the officers to make a decision on this latest application.

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6. Conclusions:

- 6.1 With reference to the above assessment and having considered all the relevant matters, including local and national policies and guidance, as well as the observations received following statutory notification period, it is deemed that this development is acceptable on the grounds of its principle, location, design, scale, materials, visual amenities and residential amenities of neighbouring residents.

7. Recommendation:

- 7.1 To approve – conditions
1. Five years.
 2. In accordance with the plans.
 3. Natural slate.
 4. Withdrawal of permitted rights in regards to installing windows as well as developments within the curtilage.