

PLANNING COMMITTEE	DATE: 18/12/2017
REPORT OF THE SENIOR PLANNING AND PUBLIC PROTECTION SERVICE	CAERNARFON

Number: 5

Application Number: C17/0281/11/LL

Date Registered: 06/10/2017

Application Type: Full - Planning

Community: Bangor

Ward: Dewi

Proposal: Erection of new dwelling.

Location: Land adjacent to 4, Bryn Heulog Terrace, Bangor, Gwynedd, LL57 4SY

Summary of the Recommendation: TO REFUSE

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1. Description:

- 1 This is a full application for the erection of one dwelling on a strip of empty land within a residential area of the City of Bangor. The development boundary as defined by the Gwynedd and Anglesey Joint Local Development Plan, runs along the southern boundary of the site and outline permission was granted to erect a dwelling on the site by appeal in 2013 (that planning permission has now expired).
- 1.2 The site is a triangular shape and measures 13m across the front and 28m long and it is located off the private road of Bryn Heulog Terrace opposite a terrace of houses. The site backs onto a terrace of houses on Caernarfon Road and lies to the rear of the long and narrow gardens of those houses on an elevated plot of land which is between the gardens and a public bridle path (No. 21 Bangor Community). The site runs in a transverse direction to the gardens which means that it abuts seven gardens. The vehicular access would be off the bridle path (which is also an access road to other private houses) and there would be parking spaces for at least two vehicles on the site. A new retaining wall would be erected along part of the southern boundary of the site.
- 1.3 The proposal includes erecting one two-storey dwelling with two bedrooms, with the proposed building measuring 7.2m to the top of the slate roof and 11.5m long (7.3m two-storey and 4.2m single-storey with a flat roof) and would be 7.2m wide. The walls would be of light-coloured render with grey UPVC windows.
- 1.4 The application is submitted to Committee as it is an application by a Member of the Council.

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 Local Development Plan.
- 2.2 Under the Well-being of Future Generations (Wales) Act 2015 the Council has a duty not only to carry out sustainable development, but also to take reasonable steps in exercising its functions to meet its sustainable development (or well-being) objectives. This report has been prepared in consideration of the Council's duty and the 'sustainable development principle', as set out in the 2015 Act, and in making 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. It is considered that there would be no significant or unacceptable impact upon the achievement of well-being objectives as a result of the proposed recommendation.

4 Gwynedd and Anglesey Joint Local Development Plan (July 2017)

PCYFF 2: DEVELOPMENT CRITERIA

PCYFF 3: DESIGN AND PLACE SHAPING

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TAI 1: HOUSING IN THE SUB-REGIONAL CENTRE AND THE URBAN SERVICE CENTRES

TRA 2: PARKING STANDARDS

TRA 4: MANAGING TRANSPORT IMPACTS

Supplementary Planning Guidance: Affordable Housing (2009).

2.5 National Policies:

Planning Policy Wales - (Edition 9, November 2016)

Technical Advice Note 12: Design (2016)

3. Relevant Planning History:

APP/Q6810/A/13/2195823: Appeal against the decision C12/1425/11/AM - Approved 10/10/13

C12/1425/11/AM: Outline application for the erection of one dwelling - Refused 05/12/15

4. Consultations:

Community/Town Council:	No objection
Transportation Unit:	No objection Suggest a condition to ensure that the private parking spaces are provided before commencing the property's residential use.
Welsh Water:	Observations - standard conditions and notes for the applicant
Footpaths Unit:	Not received
Land Drainage Unit:	Not received
Public Protection:	Not received
Public Consultation:	A notice was posted on the site and nearby residents were notified. The observations below were received in response to the consultation relating to material planning considerations: <ul style="list-style-type: none"> • Concern regarding overlooking from the houses on Caernarfon Road • Shadows from the rear of the neighbouring houses • There would be a domineering effect on the rear of the Caernarfon Road houses • An alternative, smaller development could be beneficial to help tidy-up the site • Concern regarding land stability

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- That a water course runs under the site and the development could affect surface water flow
- Concern regarding the amenity effect during the development process
- Concern regarding the effect of the development on wildlife

The observations below were also received; these are not material planning considerations:

- Reduced value of neighbouring properties
- Inconsistencies between the application form and the plans
- Concern about insufficient prior consultation with neighbours
- Question the validity of the application due to misleading information on the application form

5. Assessment of the material planning considerations:

The principle of the development

- 5.1 It is a requirement that planning applications be determined in accordance with the adopted development plan, unless other material planning considerations state otherwise. The Anglesey and Gwynedd Joint Local Development Plan (LDP) is the adopted 'Development Plan' in this case. The application site is located within the development boundary of the Sub-regional Centre of Bangor as defined in the LDP.
- 5.2 Policy TAI 1 suggests an indicative housing provision on windfall sites within the boundaries of the Sub-regional Centre of 479 units. Given that planning permission has been granted for a residential development on this site on appeal in 2013, it is not questioned that this is a suitable site for a residential unit development which would help towards meeting the LDP's development target. Therefore, it is considered that the proposal to provide one two-bedroom residential unit on this site is in line with the principle of the LDP.

Visual, general and residential amenities

- 5.3 When outline permission was granted to develop this site in 2013, it was based on specific indicative plans which included the following elements:
- No windows for main rooms facing the rear of the houses on Caernarfon Road (north-western elevation)
 - Single-storey elements in the north-western elevation in order break the bulk of the elevation
 - Accommodation in roof-space to reduce the height as much as possible
 - Front of the building facing Bryn Heulog Terrace
- 5.4 The Inspector's report emphasised these elements of the design and stated *"...from the evidence in front of me, I reach the conclusion that the development will not appear domineering in the vistas of neighbouring houses and that it would not harm the privacy of the residents of these houses."*

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- 5.5 Generally, policies PCYFF 2 and PCYFF 3 of the Joint Local Development Plan approve proposals for new developments provided they do not have a detrimental impact on the health, safety or the amenities of the residents of local properties or on the area in general. In addition, developments are required to:
- Contribute to, and improve, the character and appearance of the site
 - Respect the site and surroundings in terms of their location in the local landscape.
 - Use appropriate materials
- 5.6 The new plans are significantly different from what was shown in the plans which formed the previous planning permission. The main differences are:
- The rear of the house would face Bryn Heulog Terrace
 - The house would be fully two-storey and would be 7.2m in height (the house which was granted planning permission previously was 6m)
 - There would be two windows to the first-floor living room in the north-western elevation
 - The vehicular access would be off the horse-riding path to the rear rather than Bryn Heulog Terrace
- 5.7 While acknowledging that the principle of this development is acceptable, it is not believed that the design as submitted is acceptable in terms of its impact on the residential amenities of neighbours and the harm to the local streetscape. It is considered that the two first-floor windows (north-western) would cause substantial unacceptable overlooking over the gardens and rear windows of the houses on Caernarfon Road. It is accepted that a garage and some vegetation mitigates these overlooking effects to some extent but these features are not within the applicant's control and there is nothing to prevent this screening from being lost at any time. The windows would be approximately 19m from the rear of the houses on Caernarfon Road and on a higher level and they would look over the gardens of the houses and would be harmful to the internal privacy of the properties as there are first-floor bedroom windows at the rear of the houses.
- 5.8 It is also considered that the new design, due to its height, bulk, design and proximity to the boundary would cause a domineering element to the rear of the houses on Caernarfon Road, nos. 401 and 403 in particular. It is considered that the effect of the new plan would be like erecting a high wall on top of a hill to the rear of the houses and, though the previous plan reduced this effect by being lower and by including single-storey elements near the boundary, this is not true in this case and it is believed that the development as shown would be harmful to the residential amenities of the neighbouring properties.
- 5.9 The plan contains a single-storey flat roof element on the south-western end and there is concern, as this is in front of a large first-floor living room window, that the flat roof could be used as a balcony which could be harmful to the privacy of further neighbours but, having said that, a privacy screen could be installed along the northern side of the single-storey roof and therefore it is accepted that this concern could be overcome with a condition.
- 5.10 In addition to the above, as the proposed building is meant to face the terraced houses of Bryn Heulog that the design of the north-eastern elevation would not be in keeping with the area's streetscape. There would be no first-floor windows or doors in this elevation and at least some elements of the front of the house are expected on an

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elevation which faces the road in a residential area. It is believed that this is not in keeping with the usual design practices.

- 5.11 Given the above, it is not considered that this development is of high quality which adds to or improves the character of the site and the surrounding area. Nor would it respect the context of the site and it would be harmful to the amenities of the occupants of local properties due to its domineering effect and that harm to the privacy of the residents of houses on Caernarfon Road. It is therefore considered that this proposal is contrary to the requirements of Policies PCYFF 2 and PCYFF 3 of the LDP as they have regard to these matters.

Transport and access matters

- 5.12 The Transportation Unit had no objection to the proposal and it is believed that the parking provision is acceptable in terms of numbers and arrangement. Given the above, it is considered that the proposal is acceptable under policies TRA 2 and TRA 4 of the LDP.

Other Planning Matters

- 5.13 Several objections were raised based on matters such as land stability, surface water drainage and the biodiversity impact and, while all of these are valid planning considerations, given that planning permission has been granted in the past for a residential development on the site, it is believed that these are matters which could be controlled by appropriate conditions should planning permission be granted for the residential development on the site.

6. Conclusions:

- 6.1 Pre-application advice was given to the applicant regarding developing on this site and it was made explicit that the Local Planning Authority's officers had significant concerns about developing the site and that it was crucial for any design to avoid causing harm such as overlooking and shadowing. It was suggested that a dormer bungalow development, appropriately designed, could be acceptable on the site but that a plan similar to the one submitted with this application would not be acceptable. The submitted planning application has not made any attempt to overcome the problems noted in the pre-application advice, indeed, the same plan as was advised to be unacceptable has been submitted. Having weighed-up the proposed development and considered all the material planning issues, including observations received during the consultation process, it is not considered that the plans submitted can be approved as the development would be harmful to the amenities of neighbours and to the vista of the local streetscape.

7. Recommendation:

- 7.1 To refuse:

Reason:

The proposed development would be harmful to the residential amenities of occupiers of local properties as it would cause significant overlooking effects into or towards the private spaces of those properties and that it would also cause a domineering structure for those houses. Nor is it believed that the plans submitted show a design of high quality which gives full consideration to the

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built environment context of the site. The proposal would not add to or improve the character and appearance of the site nor the area in general and therefore, it is believed that the application is contrary to policies PCYFF 2 and PCYFF 3 of the Gwynedd and Anglesey Joint Local Development Plan.