

PLANNING COMMITTEE	DATE: 05/11/2018
THE REPORT OF THE SENIOR PLANNING AND PUBLIC PROTECTION MANAGER	CAERNARFON

**Number: 6**

**Application Number: C18/0718/39/LL**

**Date Registered: 06/08/2018**

**Application Type: Full - Planning**

**Community: Llanengan**

**Ward: Abersoch**

**Proposal: Amend condition 2 on planning permission C17/1161/39/LL in order to amend the balcony depth from 1.5 metres to 2.5 metres.**

**Location: Land adjacent to Tŷ Adda, Abersoch, Pwllheli, Gwynedd, LL53 7HY**

**Summary of the Recommendation: TO APPROVE WITH CONDITIONS**

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## 1. Description:

- 1.1 It is intended to amend condition 2 of planning permission number C17/1161/39/LL to construct the house in accordance with the amended plans. The current permission involves constructing a new house within a small estate of dwellinghouses. The plan shows a single-storey dormer with a separate garage. Although the garage was shown on the site plan it does not form part of the current application as it received separate permission under reference C18/0330/39/LL on 25 May 2018. The house will measure 13 metres in length, 10 metres at its widest point and 7 metres to the ridge. The house will comprise a bathroom, a multi-purpose room and four bedrooms (two en-suite) on the ground floor, and a kitchen / living room on the first floor with a balcony to create an access to the garden. The balcony would be placed on the southern elevation, and would measure 3.8 metres in length and 2.5 metres in width. It is intended to install substantial windows together with a balcony on the southern elevation, and a substantial window on the eastern gable. The proposed house is in the same location as the house approved under application C17/1161/39/LL. The only difference in the design of the house subject to the current application compared with the one that received approval under application C17/1161/39/LL, is the intention to widen the balcony by 1 metre (namely from 1.5m to 2.5 m). The work of constructing the house approved under application C17/1161/39/LL has already commenced on the site.
- 1.2 The site lies within the development boundary of Abersoch. The site is located within the Area of Outstanding Natural Beauty (AONB) and the Llŷn and Bardsey Island Landscape of Outstanding Historical Interest. The site is surrounded by residential dwellings.
- 1.3 The application is submitted to Committee at the request of the Local Member.

## 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 wellbeing 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.
- 2.4 **Anglesey and Gwynedd Joint Local Development Plan**  
 TRA 2: Parking standards  
 TRA 4: Managing transport impacts  
 PCYFF 2: Development criteria  
 PCYFF 3: Design and place shaping  
 PS 17: Settlement strategy  
 TAI 5: Local Market Housing  
 PS 19: Conserving and where appropriate enhancing the natural environment  
 AMG 1: Areas of Outstanding Natural Beauty Management Plans  
 PS 20: Protecting and where appropriate enhancing heritage assets

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AT 1: Conservation Areas, World Heritage Sites and Landscapes, Parks and Registered Historic Gardens.

**2.5 National Policies:**

Planning Policy Wales (Edition 9, November 2016)

Technical Advice Note 12: Design

Technical Advice Note 18: Transport (2007)

**3. Relevant Planning History:**

- 3.1 C18/0613/39/AC - Discharge conditions 3 (slates), 4 (external finish) and 5 (landscaping) on planning permission C17/1161/39/LL - Approved 14 September 2018.
- 3.2 C18/0330/39/LL – Construction of a single garage - Approve 25 May 2018.
- 3.3 C17/1161/39/LL - Amend condition 4 of planning permission C15/0901/39/LL in order to amend the design of the proposed house - Approved 14 September 2018.
- 3.4 C15/0901/39/LL Renew planning permission C11/0277/39/LL for the construction of a two-storey dwelling - Approved 15 October 2015.
- 3.5 C11/0277/39/LL - Renew permission C06D/0575/39/39/LL to construct a two-storey house - Approved 13 June 2011
- 3.6 C06D/0575/39/39/LL - Renew permission C02D/0465/39/LL to construct a two-storey house - Approved 6 December 2006.
- 3.7 C02D/0465/39/LL - Amended plans - Construction of a two-storey house - Approved 12 December 2002.
- 3.8 C01D/0342/39.LL – Construction of a two-storey house – Approved 31 October 2001
- 3.9 4398A - Allocation for 4 bungalows - Approved 13 April 1957
- 3.10 4398 - Construction of a bungalow - Approved 19 December 1955

**4. Consultations:**

- Community/Town Council: Object because it overlooks neighbours and the balcony is significantly larger than the one in the original plan.
- Transportation Unit: No recommendation as it is assumed that the proposed development would not have a detrimental impact on any road or proposed road.
- Biodiversity Unit: Not received.
- Trees Unit: Please see previous observations regarding this Monterey Cypress on the development's boundary.
- AONB Unit: The site in question is amongst other houses on the outskirts of Abersoch and within the AONB.

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This is an application to adapt the width of the balcony, there are no implications as regards to the AONB.

Public Consultation: A notice was posted on the site and nearby residents were notified. The advertisement period has expired and a letter of objection / items of correspondence have been received on the following grounds:

- The balcony would affect the amenities and privacy of nearby residents.
- The larger sized balcony would encourage its use as an entertainment area and consequently the noise levels would increase.

## **5. Assessment of the material planning considerations:**

### **The principle of the development**

- 5.1 The proposal involves building a one-storey dormer house on a site within the Abersoch development boundary. Planning permission was granted for a one-storey dormer house on the site under application C17/1161/39/LL on 28 March 2018 and this permission is extant. The current application is for the modification of condition 2 of that permission to construct the development in accordance with amended plans. The relevant housing policy is Policy TAI 5 which requires new houses within the Abersoch development boundary to be open market housing. However, as it is the amendment of a condition that is in question here and that the house could be constructed in the manner that has already received permission as an open market house, the principle of constructing an open market house on the site has been established. As the principle of constructing the house as an open market house has been established, it is not considered that the requirements of policy TAI 5 of the LDP are relevant in this case.

### **Visual amenities**

- 5.2 This is an application to change the design of the proposal which received permission under application C17/1161/39/LL. The only change between that application and the current application is the size of the balcony. On application C17/1161/39/LL the balcony measured 3.8m by 1.5m and on the current application the balcony measures 3.8m by 2.5m. Therefore, the length of the balcony would remain the same, however, its width would be larger by 1 metre.
- 5.3 The amended proposal, except for the balcony which is bigger, is exactly the same as in application C17/1161/39/LL. It is considered that the design in terms of appearance is acceptable and suitable for the location in question. It is not considered that the proposal will have a detrimental impact on the area's visual appearance. In its entirety, it is considered that the proposal, in terms of its design, is acceptable and that the proposal would not have any greater impact than what has already been approved. Also, it is not considered that its impact would be different to what has already been approved in terms of views. The property is located within the AONB. However, it is not considered that the proposed change, as part of this application, would have a detrimental impact on the character of the AONB. The garage, shown on the site plan, has already received planning approval under reference C18/0330/39/LL and this garage does not form part of the current application. To this end, it is believed that

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the proposal is acceptable based on the requirements of Policies PCYFF 3 and AMG 1 of the LDP.

- 5.4 The site lies within the Llŷn and Bardsey Island Landscape of Outstanding Historic Interest. Policy AT 1 states that consideration will be given to the information about the Historic Landscapes if it has been assessed that the impact of proposals is on such a scale and so large that their impact would be greater than merely a local impact. The proposed amendments are not considered likely to have a greater impact than local impact and the proposal would not, therefore, have a wider impact on the historic landscape. Therefore, the proposal is not considered to be contrary to Policy AT 1 of the LDP.

#### **General and residential amenities**

- 5.5 The application was advertised near the site and nearby residents were notified, and objections were received on the grounds of loss of privacy and overlooking. It must be realised that planning permission has been approved to construct a one-storey dormer house on the site and this permission has been implemented. The neighbours' concerns are acknowledged; however, the fact remains that there is planning permission for a house with a kitchen, living room, substantial windows and a platform/balcony on the first floor, and this plan could be implemented whether this application is approved or refused. A situation of this sort is considered as a fall back, which is an important planning consideration, and creates a situation where it would be difficult to refuse the current application. The application requests that the size of the balcony is widened by 1 metre namely from 1.5m to 2.5m. The proposed balcony is situated approximately 18 metres from the nearest residential dwelling and the house would also be at an angle (namely from 1.5m to 2.5m) compared with the location of the surrounding houses that would avoid direct overlooking into any house.

Nevertheless, the potential of overlooking into adjacent private gardens must be considered but, in this case, it is considered that the distance between the new house and the nearby houses and their gardens prevents this from being at a level that would be considered unacceptable. The area is an established residential area with houses in all directions and therefore an element of low level disturbance is expected from the current residential use in addition to an element of overlooking. The possibility of installing opaque glass on the proposed balcony rail was considered. However, at the rail height of approximately 1 metre opaque glass would not make a difference in terms of possible overlooking and it is considered that it would not be practical due to the location of the balcony in relation to nearby dwellings to require a high level rail, approximately 1.7 metres, with opaque glass around the whole balcony.

- 5.6 In these circumstances, it is not considered that there are any grounds for refusing the application. It is not considered that there would be any unacceptable impact deriving from approving the proposal; due to the location of the house on the site and the location of the site in relation to nearby property within a residential area. The proposal is considered to be acceptable in relation to Policy PCYFF 2 as it is not considered that it would cause significant harm to the amenities of the local neighbourhood.

#### **Transport and access matters**

- 5.7 The site and other houses are served by a private estate road. There will be no direct impact on any public road as a result of a proposal to amend the design of a house that has already been approved. The proposal is unlikely to have a substantial detrimental impact on road safety. The Transportation Unit is satisfied with the proposal, therefore

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it is considered to be in compliance with the requirements of policies TRA 3 and TRA 4 of the LDP.

### **Trees matters**

- 5.8 A Monterey Cypress tree is situated close to the site's boundary. There was concern in the previous application regarding the location of this tree in relation to the garage. The garage does not form part of this application as it has received separate permission under reference C18/0330/39/LL when a tree assessment was submitted to assess the impact of the proposal on the tree. Therefore, it is considered that no tree issues stem from the current application.

### **6. Conclusions:**

- 6.1 Having considered the above and all the relevant planning matters including the local and national policies and guidance, as well as the observations received, it is believed that the proposal is acceptable in terms of principle and design and based on the matters noted in the report. The proposed development would be unlikely to have a significant detrimental impact on views within the Area of Outstanding Natural Beauty, or on road safety and would be unlikely to have an impact on the amenities of nearby residents.

### **7. Recommendation:**

- 7.1 To approve – conditions:
1. Five years
  2. In accordance with plans
  3. The slates on the roof and the materials of the external walls are required to be in accordance with that agreed in application C18/0613/39/AC
  4. Completion of the landscaping plan in accordance with the plan approved in application C18/0613/39/AC
  5. Removal of permitted development rights for curtilage buildings
  6. No surface water / land drainage to connect with the public sewer
  7. Separate disposal of surface and foul water from the site