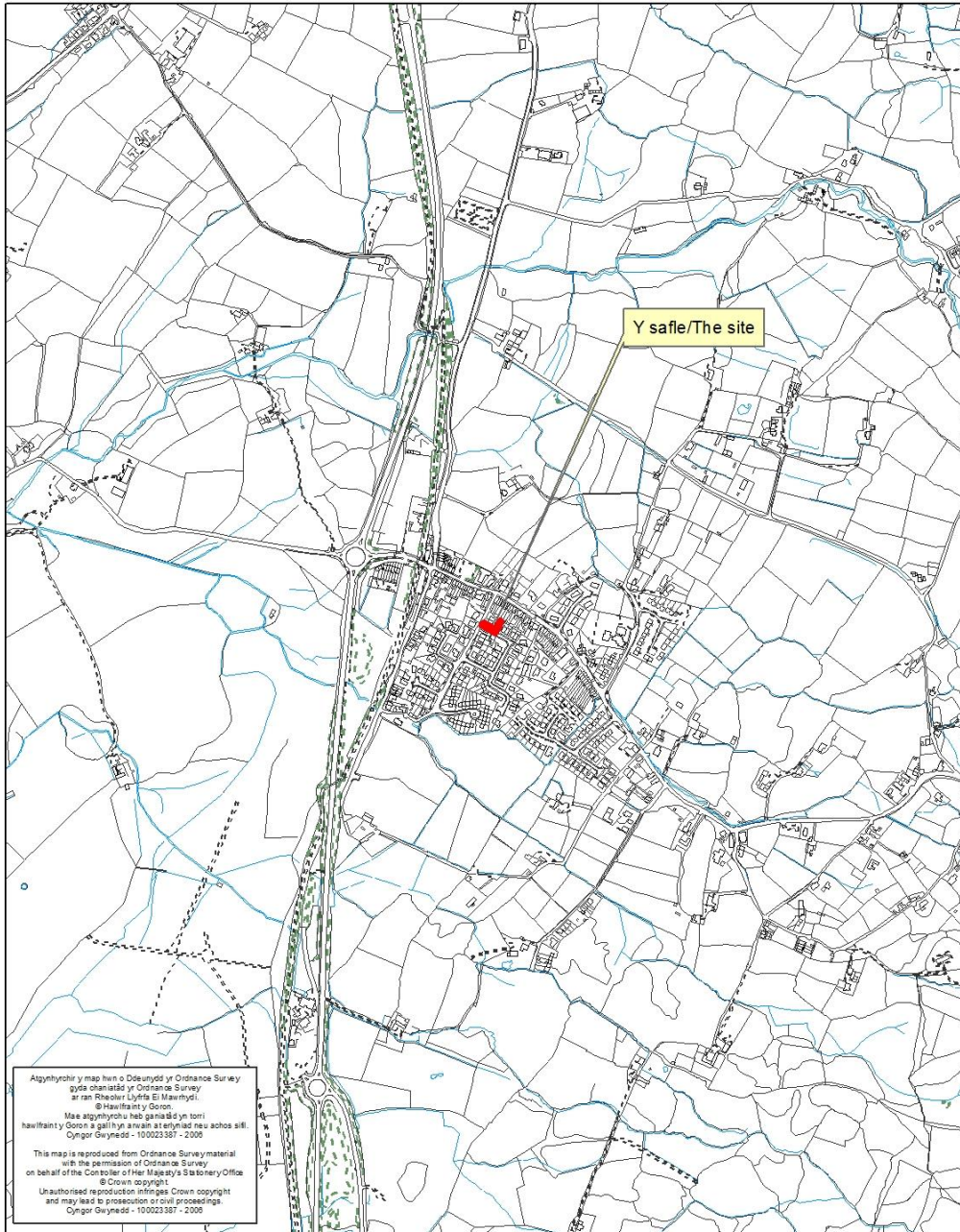


Number: 5



Rhif y Cais / Application Number : C15-1248-17-LL

Cynllun lleoliad ar gyfer adnabod y safle yn unig. Dim i raddfa.
Location Plan for identification purposes only. Not to scale.



PLANNING COMMITTEE	DATE: 14/03/2016
REPORT OF THE SENIOR PLANNING AND ENVIRONMENT MANAGER	CAERNARFON

Application Number: C15/1248/17/LL
Date Registered: 15/12/2015
Application Type: Full - Planning
Community: Llandwrog
Ward: Groeslon

Proposal: APPLICATION TO ERECT A GARAGE
Location: 35, Y GRUGAN, GROESLON, CAERNARFON, LL54 7TA

Summary of the Recommendation: TO APPROVE SUBJECT TO CONDITIONS

1. Description:

- 1.1 The application was deferred at the Planning Committee on 22 February 2016 in order to hold a site visit.
- 1.2 This application is for erecting a new garage on a piece of land located outside of the property's specific curtilage, but on a piece of land on the far end of an estate road.
- 1.3 There is a concrete foundation on the site already which provides parking, and the foundation extends beyond the application site and provides approximately two additional parking spaces for other houses. There is a footpath around these foundations on a lower level.
- 1.4 The proposal involves extending the concrete foundation approximately 0.5m to the side and 0.3 metres to the rear as well as erecting a garage that measures 6m by 2.7m and 2.3m in height, with a flat roof. It is intended for the garage to be made of pre-cast concrete panels with a roof of corrugated concrete sheets.
- 1.5 A Design and Access Statement has been submitted as part of the application, along with various documents/letters from Gwynedd Council confirming which parts of the estate road have been adopted by the Council.
- 1.6 The application is being presented to the Planning 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 in accordance with the Development Plan, unless material considerations indicate otherwise. Planning considerations include National Planning Policy and the Unitary Development Plan.

2.2 Gwynedd Unitary Development Plan 2009:

POLICY B22 - BUILDING DESIGN - Promote good building design by ensuring that proposals conform to a series of criteria aimed at protecting the recognised features and character of the local landscape and environment.

POLICY B23 - AMENITIES - Safeguard the amenities of the local neighbourhood by ensuring that proposals must conform to a series of criteria aimed at safeguarding the recognised features and amenities of the local area.

PLANNING COMMITTEE	DATE: 14/03/2016
REPORT OF THE SENIOR PLANNING AND ENVIRONMENT MANAGER	CAERNARFON

POLICY B25 - BUILDING MATERIALS - Safeguard the visual character by ensuring that building materials are of a high standard and in keeping with the character and appearance of the local area.

POLICY CH33 – SAFETY ON ROADS AND STREETS

Development proposals will be approved provided they can conform to specific criteria relating to the vehicular entrance, the standard of the existing roads network and traffic calming measures.

2.3 National Policies:

TAN 12 Design
 Planning Policy Wales (Edition 8), 2016

3. Relevant Planning History:

3.1. Historic applications in the 60s for developing the estate but no recent planning history that relates specifically to the application site.

4. Consultations:

Community/Town Council: No objection

Transportation Unit: The proposed development would not have a detrimental impact on any road or proposed road.

Welsh Water: General observations

Public Consultation: A notice was posted on the site and nearby residents were notified. The advertising period has ended and several correspondences were received objecting on the following grounds

Planning Matters:

- The location of the garage
- Water run-off
- The location of the window
- Effect on the amenities of the nearby parking spaces
- Access

Matters raised that are not planning considerations:

- There is a dispute regarding the ownership of the land between the number 35 and number 36 parking spaces, and questions about the ownership of the land on the estate road.
- Questioning the registration period and notice period of the application
- No need for a garage as he parks on the estate road
- The garage would impede access between the proposed garage and property number 23

PLANNING COMMITTEE	DATE: 14/03/2016
REPORT OF THE SENIOR PLANNING AND ENVIRONMENT MANAGER	CAERNARFON

- Questioning the period when the previous garage was demolished
- An impact on how property number 23 is going to maintain their property due to its proximity to the proposed garage.
- The neighbouring landowner would not be willing for the developer to gain access to his land to enable the erection of the garage.

5. Assessment of the relevant planning considerations:

The principle of the development

- 5.1 General planning policies within the Gwynedd Unitary Development Plan support applications for the erection of extensions on residential houses provided that they are appropriately assessed.

Visual, general and residential amenities

- 5.2 Policies B22, B23 and B25 of the Gwynedd Unitary Development Plan relate to assessing the design of the proposal, amenities and external materials.

- 5.3 The proposal involves erecting a private garage on land that is located outside the curtilage of 35 Y Grugan, but forms part of multiple supplementary parking spaces for these houses at the end of the estate road. It appears from aerial images from the year 2000 that there had been a garage on this site in the past, and it also appears that some of the estate's houses own a space in this area for parking their cars. The garage is simple in terms of size and appearance and it will be made of concrete panels. It is considered that the garage is suitable in terms of its size and design and materials in this case.

- 5.4 Several objections to this proposal have been received relating to the location of the garage in terms of land ownership, a land ownership dispute, access for the maintenance of part of a property and use of a footpath that runs past the side of the garage by the public.

- 5.5. The proposal involves extending the current concrete foundation to the side (towards the number 23 property) and to the rear. The plans submitted as part of the application indicate that this land is within the ownership of the applicant, although objections have been received that there was a dispute over the ownership of parts of this land. It appears that the relevant landowners in the dispute oppose the application, and are therefore aware that the application has been submitted to the Local Planning Authority. Land ownership issues are not a planning matter, but rather a civil matter. A land ownership dispute is therefore not a reason to refuse planning permission.

- 5.6 Extending the foundation would impede a footpath that runs between the proposed garage and the number 23 Y Grugan property. However, it appears that this path is within the applicant's ownership, and the Footpaths Unit has confirmed in writing to the agent of the application that this path is not a public footpath, nor is it within the Gwynedd Council ownership, nor has it been adopted or maintained by the Council. It appears that this footpath is used largely by the tenants of 37 Y Grugan, as they cannot use the path that leads straight from the estate road to the back of their property due to parked cars. It is possible that there was use of the footpath in the

PLANNING COMMITTEE	DATE: 14/03/2016
REPORT OF THE SENIOR PLANNING AND ENVIRONMENT MANAGER	CAERNARFON

past, and if there is a right of way via deeds, then that right will be a civil matter. The proposed garage is to be erected entirely on land that is located within the ownership of the applicant, and therefore it is not considered an over-development of the site, nor will it have a detrimental effect on the privacy or amenities of any nearby residents.

- 5.7 It is therefore not considered that the garage is contrary to the requirements of policies B22, B23 or B25 of the Unitary Development Plan in terms of its design, location, materials nor its effect on nearby properties.

Transport and access matters

- 5.8 The estate road runs directly to the garage site and therefore provides a suitable vehicular entrance to it. The Transportation Unit has no objection to the application. It is therefore considered that the proposal is suitable and that the application conforms to the requirements of Policy CH33 of the UDP, which allows development proposals provided that they can conform to specific criteria involving the vehicular entrance, the quality of the existing roads network and traffic calming measures, along with general road safety.

Response to the public consultation

- 5.9. A number of objections have been received as a result of this proposal, some that are planning matters, and some that are not planning matters. The location of the garage and the effect on amenities have already been discussed above, and confirmation has been received from the applicant's agent that there is no intention to install a window in the proposed garage, and he has also confirmed that the surface water would flow to the land to the side and rear of the garage. It is not considered that the proposal would cause a significant increase in surface water when compared to the concrete that is currently on the site.
- 5.10 Land ownership matters and the use of the path that runs next to and to the rear of the garage's location have already been mentioned in the report, explaining that they are not relevant to the planning decision. In the same manner, access for the repair, maintenance and development of the garage is also a civil matter to be discussed between the landowners. For clarity, the application was received on 24.11.2015 but it was not complete for registration until 15.12.2015 because a valid Design and Access Statement had not been submitted. It is also noted that the need for a garage, for whatever reason, nor the existence of a garage in the past are not relevant planning matters when considering this application.
- 5.11 It is not considered that the objections received outweigh the policy considerations nor the relevant planning matters and therefore they do not justify changing the recommendation.

6. Conclusions:

- 6.1 It is considered that the proposal is acceptable in terms of planning matters and it is in accordance with the relevant policies noted in the report and there are no other relevant planning matters stating otherwise.

7. Recommendation:

To approve – with conditions

PLANNING COMMITTEE	DATE: 14/03/2016
REPORT OF THE SENIOR PLANNING AND ENVIRONMENT MANAGER	CAERNARFON

1. 5 years
2. Ensure that the development is completed in accordance with the plans submitted
3. Use to be ancillary to the property known as 35, Y Grugan, Groeslon/no business use

Welsh Water Note