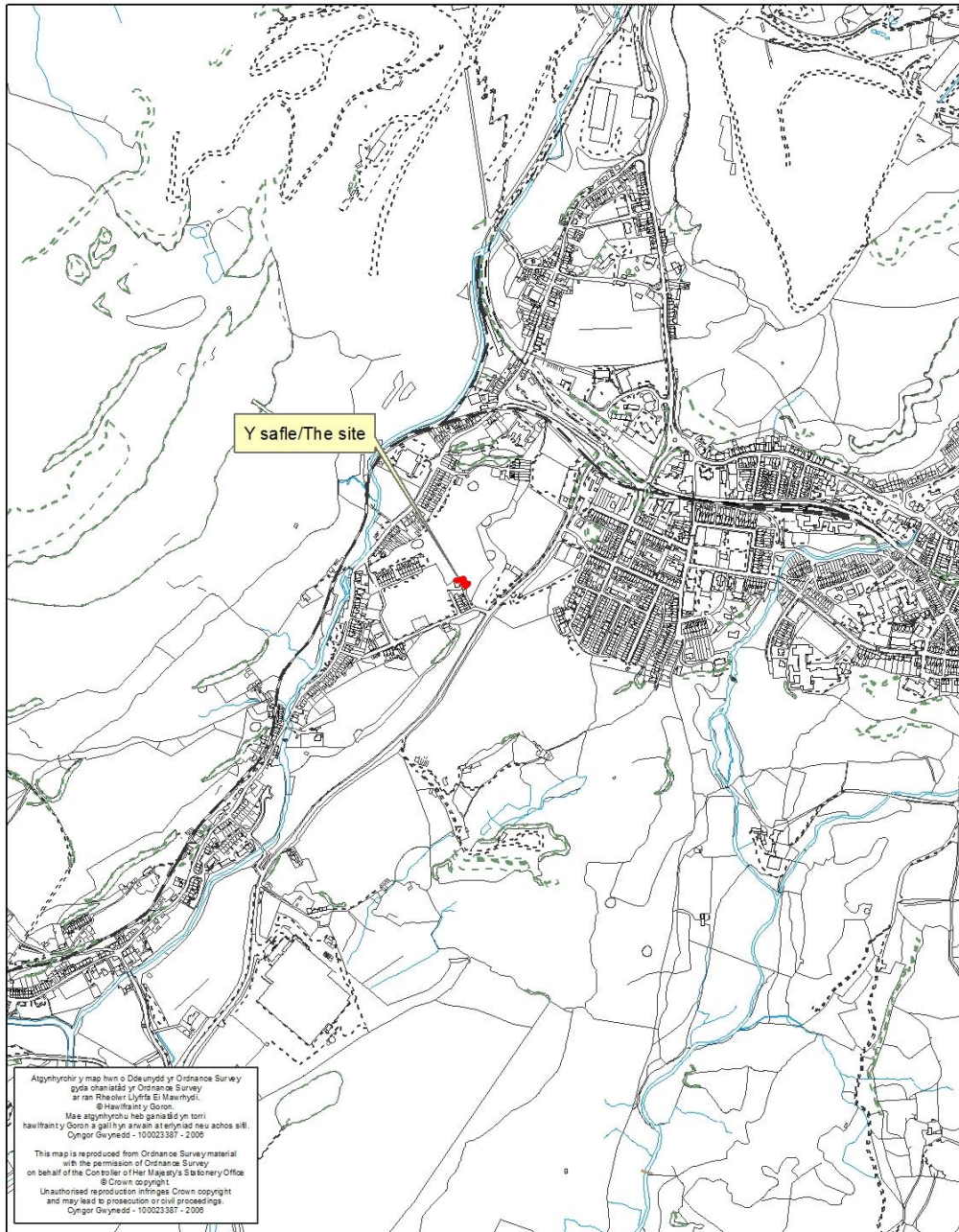


Number: 6.5



Rhif y Cais / Application Number : C16-0190-03-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: 25/04/2016
REPORT OF THE SENIOR PLANNING AND ENVIRONMENT SERVICE MANAGER	PWLLHELI

Application number: C16/0190/03/LL
Date Registered: 01/03/2016
Application Type: Full - Planning
Community : Ffestiniog
Ward: Bowydd and Rhiw

Proposal: A RETROSPECTIVE APPLICATION TO RETAIN DECKING AT THE REAR OF THE BUILDING.

Location: LLWYN RHEDYN, 1 OAKELEY SQUARE, BLAENAU FFESTINIOG, GWYNEDD, LL41 3PS

Summary of the Recommendation:

TO APPROVE WITH CONDITIONS

1. Description:

1.1 A full retrospective application for the retention of decking at the rear of an existing residence. The structure in question is located on a steep slope and it located on five different levels, and the floor level of the decking at its highest point is 6.1m higher than the finished floor level of the house. The length of the structure at its longest is approximately 15.8m, and its width approximately 15.6m. The decking, which is made of wood is accessed by using five flights of stairs. There is a 1.1m balustrade along the edge of some parts of the platforms. The application was submitted following action by the Council's Planning Service Enforcement Unit, and the decking has not been completely finished yet.

1.2 The structure lies partly within and outside the development boundary as designated within the Gwynedd Local Development Plan 2009. The site is located within a residential area, to the south of the site there is a terrace of two-storey houses and to the west the applicant's residence and beyond that there is an open playing field and amenity land. To the north and the east of the site there is open land that is rough and rocky. This application is submitted before the Committee following three or more objections to the development.

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:

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.

B23 – AMENITIES - Safeguarding the amenities of the local neighbourhood by ensuring that proposals must conform to a series of criteria which aim to safeguard the recognised features and amenities of the local area.

B24 – ALTERATIONS AND BUILDING EXTENSIONS WITHIN DEVELOPMENT BOUNDARIES, RURAL VILLAGES AND THE COUNTRYSIDE - Ensure that proposals for alterations or extensions to buildings conform to a series of criteria aimed at protecting the character and amenity value of the local area.

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

CH33 – SAFETY ON ROADS AND STREETS – Development proposals will be approved if they comply with specific criteria involving the vehicular access, the quality of the existing roads and traffic calming measures.

Gwynedd Design Guidance Chapter 12: Alterations and extensions.

2.3 National Policies:

Planning Policy Wales (Edition 8, January 2016)
 Technical Advice Note (TAN 12): Design

3. Relevant Planning History:

- 3.1 C07M/0063/03/AM - Outline application to erect up to four houses - Refused - 27 July 2008.
- 3.2 C10M/0024/03/LL – Full application to erect a detached three-storey dwelling - 14 September 2010.
- 3.3 C12/0295/03/LL – A retrospective application to retain a dwelling along with alterations to the design and re-locating the building on the site - 24 April 2012.
- 3.4 C16/0189/03/LL - A retrospective application to retain the work of converting the basement into a self-contained flat - Had not been decided when preparing this report;

4. Consultations:

Town Council: Ffestiniog Town Council objects to this plan. The size and height of the development is not clear from the plans but from having a meeting at the site the size and height of the development was clear to see. The development severely impairs the privacy of nearby residents, some are not able to open their bedroom curtains because of it and the Town Council received several complaints about it.

Transportation Unit: No objection

Countryside and Access Unit: No objection - No public rights of way are affected by the proposed development.

Public Consultation: A notice was posted on site and nearby residents were informed. The notice period has ended and correspondence was received objecting on the following grounds:

- That the development led to overlooking onto the gardens of nearby houses;
- That the development led to overlooking and the loss of privacy and amenities of residents of nearby houses;
- That the decking and the balustrade around it was very high;

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- Over-development in a rural landscape;
- It is not in keeping with the character of the landscape around it.
- It is entirely incompatible with what is around it and it is an unattractive feature to look at, sub-standard materials and an entirely incompatible colour used;
- The height of the structure means that it overlooks the attic bedroom of number 6 Oakeley Square and the tenants there feel that they have lost their privacy;
- The applicant agreed to build a 2-metre high fence around the edge of his garden to prevent overlooking. The applicant has not complied with that condition which was set by Gwynedd Council's Planning Department. At one time a greenhouse was installed on top of the decking - it was obvious that it was a risk because it was blown over, the glass fell to the nearby field that is used regularly, and no effort was made to pick up the broken glass from that land.

5. Assessment of the relevant planning considerations:

The principle of the development

- 5.1 There is no objection in principle to erecting wooden decking within a residential garden, provided that the scale and design of the development is in keeping with the building and the local area around the property. It is realised that the size of the decking occupies most of the rear; however it is not visible from public areas.
- 5.2. The objections state that the structures are an over-development of the site. While their points are noted, although the size of the development in its entirety is quite large, it cannot be agreed that the development is an over-development when considering the site in its entirety.
- 5.3. A significant percentage of the decking is hidden by the applicant's house from the westerly direction, and to the north and the east there is a rocky outcrop which means that it is not visible from those directions. The decking would not be obvious or intrusive in the landscape as the views of it would be limited to a nearby location within the gardens of the terraced houses to the south. It is believed that the size, location and design of the extension respects the property and its surroundings and the brown-coloured finish of the structure as it is now is acceptable. In addition it is considered that it is reasonable to set a condition to ensure that the finished structure in its entirety is painted dark brown when the development is completed, to make sure that there is no impact on amenities. A sufficient amenity space would remain at the rear of the property.
- 5.4 In these circumstances, it is not considered that the decking is contrary to policies B22, B24 and B25 of the GUDP.

General and residential amenities

- 5.5. Policy B23 states that the amenities of the local neighbourhood should be safeguarded. One objector states that users of the decking can look directly into the roof-lights and windows of a nearby house. When considering that the roof-light is located high up on the rear surface of the nearby house's roof, from comparing it with the finished levels of the decking, it is not considered that the development leads to direct overlooking. As noted already the higher

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section of the timber decking is located on higher ground, and while there is an element of overlooking the residential gardens of the terraced houses located to the south of the site, it is considered that this is permissible overlooking that is an inevitable part of an urban environment and therefore it would not lead to an unacceptable impact on the amenities and privacy of the residential houses in question. It is also noted that the land on which the decking is located forms part of the applicant's domestic garden, and this land could be used for residential use if the decking were there or not. It is therefore considered that the proposal would not create an unacceptable impact on the amenities of nearby residents and therefore it is not considered to be contrary to policy B23 of the GUDP.

Transport and access matters

- 5.6. The decking is located at the rear of the property where there is no impact on the parking provision of the property or the county road. In response to the consultation the Council's Transportation Unit and Countryside and Access Unit stated that the proposal would not have an impact on any road or public right of way. It is therefore considered that the proposal complies with Policy CH33 of the UDP.

Response to the public consultation

- 5.7 One of the objections received notes that the applicant had agreed to erect a 2-metre high fence around the edge of his garden to prevent overlooking. Following an inspection of the planning permission for the revised plans to keep the residence on the site in 2012 there is no reference in the permission for the need for the applicant to provide such a fence. However, this does not prevent the Committee from considering the possibility of installing a fence up to two metres in height above the level of the decking along its southerly edge in order to reduce the decking's impact on nearby residents' amenities, especially if this will make it more acceptable in planning terms.

6. Conclusions:

- 6.1 It is believed that the size, scale and design of the proposed extension are acceptable for this concealed location. Whilst we cannot excuse the fact the work of erecting the decking has taken place without planning permission, it is considered that what has been built is acceptable in principle, but it should be considered to erect a 1.7m high fence above the ground level of the decking along its southerly edge. This would ensure that the amenities and privacy of nearby residents are maintained. While the points of the objectors are noted, it is considered that such a condition would overcome the objections to the application. It is not considered that the development affects the visual amenities or the character of the area. To this end, it is considered that it is appropriate for the decking to remain as it complies with the requirements of the relevant planning policies noted above.

7. Recommendation:

- 7.1 To approve – conditions
1. In accordance with plans
 2. To install a solid 1.7 metre high fence above the level of the decking along its southerly edge within one month of the permission date, and maintain it on all occasions thereafter to the full satisfaction of the local planning authority;
 3. To paint the structure dark brown within two months of the completion date and maintain it on all occasions thereafter to the full satisfaction of the local planning authority.