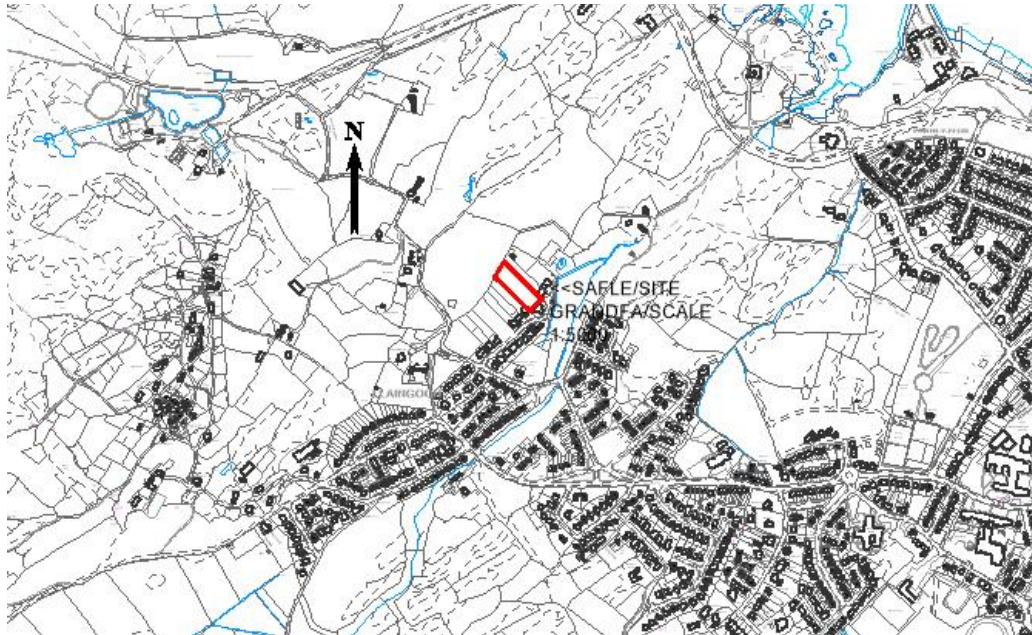


Application Reference: 19C411N/1/ENF

Description: Cais ôl-weithredol ar gyfer rhannu'r annedd i ffurfio dwy annedd ar wahân yn / Retrospective application for the sub division of the dwelling to form two separate dwellings at

Site Address: 20 Parc Felin Dwr, Llaingoch, Caergybi/Holyhead



Report of Head of Regulation and Economic Development Service (Colette Redfern)

Recommendation: Permit

Reason for Reporting to Committee

At the request of the Local Member.

Proposal and Site:

The proposal is a retrospective application for the sub-division of the existing dwelling in order to create an additional dwelling. Both properties would share the same vehicular and pedestrian access which currently serves the existing dwelling.

The site lies on a private residential estate within the settlement of Holyhead. The general pattern of development on the remainder of the estate consists of modest detached dormer bungalows.

Key Issues

The application's main issues are whether the proposal complies with current local and national policies and whether the proposal would have a detrimental impact on the surrounding properties, surrounding area or on highway safety.

Policies

Joint Local Development Plan

Policy PCYFF 1: Development Boundaries
Policy PCYFF 2: Development Criteria
Policy PCYFF 3: Design and Place Shaping
Policy TAI 1: Housing in Sub-Regional Centre & Urban Service Centres

Planning Policy Wales (Edition 9, November 2016)
Supplementary Planning Guidance - Design Guide for the Urban and Rural Environment (2008)

Response to Consultation and Publicity

Consultee	Response
Cynghorydd Shaun James Redmond	Call-in due to effect on character of neighbourhood, noise disturbance and overlooking, loss of privacy and parking space issues.
Cynghorydd Glyn Haynes	Call-in due to loss of privacy and concern in regards to parking congestion.
Highways and Transportation	No comments.
Dwr Cymru/Welsh Water	Recommended conditional approval in regards to surface water drainage.
Cyngor Tref Caergybi / Holyhead Town Council	No response to date
Cynghorydd Dafydd Rhys Thomas	No response to date
Cynghorydd Robert Llewelyn Jones	No response to date
Cynghorydd John Arwel Roberts	No response to date
Uned Polisi Cynllunio ar y Cyd / Joint Planning Policy Unit	No response to date.
Cynghorydd Trefor Lloyd Hughes	No response to date

The proposal was afforded two means of publicity these were by the posting of a notice on site together with the distribution of personal letters of notification to the occupiers of neighbouring properties. The latest date for the receipt of representations was 26th October, 2018 and at the time of writing this report two letters of representation had been received at the department. The main issues raised can be summarised as follows;

- i) Loss of amenity, noise disturbance, overlooking and loss of privacy.
- ii) Out of character as the remainder of the estate are detached properties.
- iii) Insufficient parking facilities and increase in traffic.
- iv) Planning permission has previously been granted to extend the property and the applicant has deliberately carried out works to sub-divide the dwelling.

In response to these issues I would respond as follows;

- i) The proposal does not involve the extension to the existing footprint of the dwelling and therefore will not be situated any closer to the adjoining properties than the existing dwelling. The sub-division of the

dwelling will not have a detrimental effect on the adjoining properties due to the existing use of the site as a residential dwelling.

ii) Whilst the property will be sub-divided into two properties there will be no external changes to the property and therefore no visual impact arising from the development.

iii) The applicant has submitted drawings illustrating the number of parking spaces within the curtilage and the Highway Authority have confirmed that there is no objection to the proposal.

iv) Whilst it is acknowledged that planning permission was originally granted for alterations and extensions and the applicant has in fact sub-divided the dwelling following extending the property the application currently under consideration is a retrospective application to retain the additional separate dwelling.

Other issues have also been raised in regards to incidents which have led to police intervention and the burning of waste on site however these are not material planning considerations.

Relevant Planning History

19C411A/1 - Formation of an extension to the curtilage together with the erection of a garden shed at 20 Parc Felin Ddwr, Llaingoch, Holyhead - Approved 25/07/2002

19C411J/1 - Extension to property and a new garage at 20 Parc Felin Ddwr, Llaingoch, Holyhead - Approved 21/05/2009

Main Planning Considerations

Policy Context – Paragraph 14.2.2 of the Welsh Government Development Management Manual states that *‘Although it is not a criminal offence to carry out development without first obtaining any necessary planning permission, such action is to be discouraged. The fact that enforcement action is discretionary and should be used as a last resort and only when it is expedient, should not be taken as condoning the wilful breach of planning controls. Powers are available to local planning authorities to bring unauthorised development under planning control, and it is for them to decide which power, or combination of powers, to use.’*

Paragraph 14.2.3 states: *‘When considering enforcement action, the decisive issue for the local planning authority should be whether the unauthorised development would unacceptably affect public amenity or the existing use of land and buildings meriting protection in the public interest. Enforcement action should be commensurate with the breach of planning control to which it relates; it is usually inappropriate to take formal enforcement action against a trivial or technical breach of planning control which causes no harm to public amenity. The intention should be to remedy the effects of the breach of planning control, not to punish the person(s) carrying out the breach. Nor should enforcement action be taken simply to regularise development for which permission had not been sought, but which is otherwise acceptable.’*

Holyhead is identified as an Urban Service Centre under Policy TAI 1 of the Joint Local Development Plan and the site that forms the current application site lies within the development boundary of Holyhead.

Impact on surrounding area - Concern has been raised by members of the public and Local Member that the development is out of character with the surrounding area as the remainder of the properties on the estate are detached dwellings. Whilst the proposal involves the sub-division of the existing building in order to create two properties within the plot the proposal does not involve any further alterations and extensions and therefore the building will appear as one residential unit and therefore will not be out of character with the surrounding properties.

Impact on surrounding properties - Concern has also been raised by Local Members and members of the public that the proposal will result in overlooking, loss of privacy and general disturbance by way of noise to the adjoining properties. As stated above whilst the existing dwelling has been sub-divided to form two dwellings the proposal has not resulted in an increase in the footprint of the dwelling. It is not considered that the sub-division of the dwelling will result in overlooking or loss of privacy to the adjoining

properties as the proposal is not located any further to the boundary of the adjoining properties than the extended dwelling. The side of plot 1 which fronts the side of 21 Parc Felin Ddwr has a lounge and kitchen and a master bedroom on the first floor. The previous use of the ground floor rooms were lounge and kitchen and the first floor room was used as a family room.

Access to plot 2 is located along the side of the dwelling and fronts the side of 16 Parc Felin Ddwr. There is an existing 6 ft fence along the boundary of the site with 16 and 18 Parc Felin Ddwr and therefore the increase in pedestrian access to the new dwelling will not harm the amenities of the adjoining properties.

Another concern raised is that the development will cause general disturbance by way of noise to adjoining properties however as the site is located on a private residential estate which comprises of 18 properties the creation of one additional dwelling will not generate noise disturbance to such a degree as to warrant the refusal of the application.

Highways Safety - Concern has also been raised that the proposal will not include parking facilities and will generate additional traffic. As stated above the site is situated on a residential estate comprising of 18 residential units and it is not considered that the one additional residential unit created will have a detrimental impact on highway safety. The Highway Authority requested further information in regards to the parking facilities and additional information has been received from the applicant illustrating parking for 10 vehicles. The Highway Authority have confirmed that they have no objection to the scheme.

Conclusion

The sub-division of the dwelling complies with current policies and will not have a detrimental impact on the amenities of the surrounding properties, surrounding area or have a detrimental impact on highway safety.

Recommendation

Permit

(01) No surface water from any increase in the roof area of the building / or impermeable surface within its curtilage shall be allowed to drain directly or indirectly to the public sewerage system.

Reason: To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no pollution of or detriment to the environment.

(02) The development hereby permitted shall be carried out in strict conformity with the details shown on the plans below, contained in the form of application and in any other documents accompanying such application unless included within any provision of the conditions of this planning permission.

- **Location Plan EL(--)**01****
- **Block Plan EL(--)**02** Revision A**
- **Floor Plans and Elevations EL(--)**02****

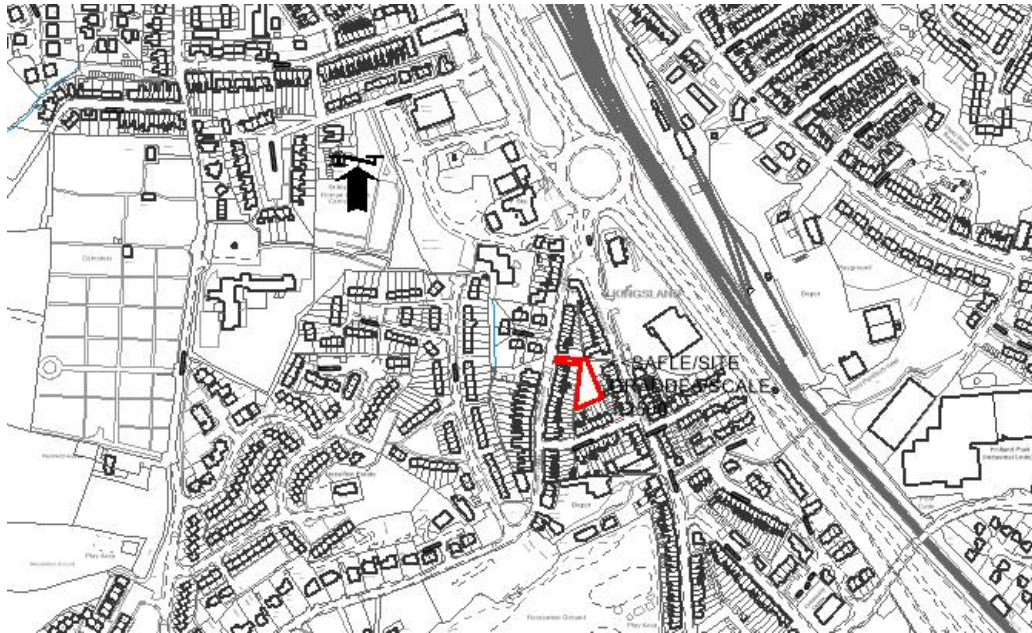
Reason: To ensure that the development is implemented in accord with the approved details.

In addition the Head of Service be authorised to add to, remove or amend/vary any condition(s) before the issuing of the planning permission, providing that such changes do not affect the nature or go to the heart of the permission/development.

Application Reference: 19C448B

Description: Cais amlinellol ar gyfer codi 2 annedd sydd yn cynnwys manylion llawn am y mynedfa ar dir rhwng / Outline application for the erection of 2 dwellings which includes full details of the access on land between

Site Address: Mountain View, Greenfield Terrace, Caergybi / Holyhead



Report of Head of Regulation and Economic Development Service (Gwen Jones)

Recommendation: Permit

Reason for Reporting to Committee

Local Member Call-in

Proposal and Site:

The application is an outline application for the erection of 2 dwellings which includes full details of the access on land between Mountain View and Greenfield Terrace, Holyhead. The application was called in by the local member (Cllr Trefor Lloyd Hughes) due to drainage concerns and the site has footpaths around the site but no details of these as part of the application.

Key Issues

The key issue is whether the proposal can be supported by national and local policies and whether the proposal fits into the area without having a negative impact upon immediate residential properties.

Policies

Joint Local Development Plan

Policy PCYFF 2: Development Criteria
 Policy ISA 1: Infrastructure Provision
 Policy PCYFF 3: Design and Place Shaping
 Policy PCYFF 1: Development Boundaries
 Policy TAI 1: Housing in Sub-Regional Centre & Urban Service Centres
 Policy TAI 8: Appropriate Housing Mix
 Policy TAI 15: Affordable Housing Threshold & Distribution

Response to Consultation and Publicity

Consultee	Response
Cynghorydd Dafydd Rhys Thomas	No objection to the development. The development of houses here would benefit the area as the land is being used as a dumping ground for litter and waste. This would solve a serious problem and provide much needed homes.
Cynghorydd John Arwel Roberts	No response received
Cynghorydd Trefor Lloyd Hughes	Requested that the application is presented to the planning committee for consideration for the following reasons: <ul style="list-style-type: none"> - Footpaths around the site and no reference to this in the application - Drainage problems
Cyngor Tref Caerdybi / Holyhead Town Council	No response at the time of writing the report
Pennaeth Gwasanaethau Tai / Head of Housing Services	Confirmation that a £20,000 pro-rata contribution for affordable housing is required.
Environmental Health	Confirmation has been received that the land in question has been the source of recurring complaints made to the Public Protection Section by local residents, regarding its unkempt amenity condition and that it has been subject to incidents of fly tipping and source of rodent infestations that have affected neighbouring residential properties. The public protection section has confirmed their support to the development of the site subject to a contaminated land condition placed on the permission.
Gwasanaeth Addysg / Education Service	Confirmation has been received that no education contribution is required on this occasion.
Highways and Transportation	Conditional Approval.
Uned Polisi Cynllunio ar y Cyd / Joint Planning Policy Unit	Confirmation that a pro-rata contribution of £20,000 is required for affordable housing
Technical Section (Drainage)	Surface water drainage details will be required with the reserved matters application.
Dwr Cymru/Welsh Water	Conditional Approval

A site notice was placed near the site and neighbouring properties were notified by letter. The application was also advertised in the local newspaper as the development is contrary to planning policies. The expiry date for receiving representations was the 12/10/18. At the time of writing the report one letter was received objecting to the proposal. The main reasons for objecting as follows:

- Issues of title ownership of the vehicular access and right of way for the objector.

In response to the letter of objection:

- The issue was brought to the attention of the applicant and they have confirmed that they have used the access for the previous coal yard use and for several years since this time. This seems to be a private dispute.

Relevant Planning History

19C448 - Erection of two dwellings at Greenfield Terrace, Holyhead - Refused 12/7/91

19C448A - Erection of two dwellings on land adjacent Greenfield Terrace, Holyhead- Refused 17/9/91

Main Planning Considerations

This is an outline planning application for the erection of 2 dwellings with details of access considered as part of this planning application, all other details are reserved for future consideration.

Policy Considerations

In the JLDP Holyhead is identified as an Urban Service Centre under Policy TAI 1. This policy supports housing to meet the Plan's strategy through housing allocations and suitable unallocated sites within the development boundary based upon the indicative provision shown within the Policy. This site lies within the Holyhead development boundary.

The indicative provision for Holyhead over the Plan period is 833 units (which, includes a 10% 'slippage allowance', which means that the calculation has taken account of potential unforeseen circumstances that could influence delivery of housing due to, e.g. land ownership issues, infrastructure constraints, etc). In the period 2011 to 2017 a total of 138 units have been completed in Holyhead (1 unit on an allocated site and 137 units on windfall sites). The land bank, i.e. sites with existing planning consent, at April 2017 stood at 646 units although 268 of these are unlikely to be completed). This means that at present there is capacity within the indicative provision for the settlement of Holyhead.

Policy TAI 15 states that the Authorities will try to secure an appropriate level of affordable housing in the Plan Area. It is noted that the priority should be the provision of an element of affordable housing as part of the development. Policy TAI 15 states "Where the affordable housing requirement of a particular scheme falls below a single dwelling on the site, providing an affordable unit within that development will remain a priority. However, if it is deemed that this is not possible, a pro-rata payment will be expected rather than no affordable provision on the site." As the proposed development represents an increase of 2 units, this meets the threshold noted in Policy TAI 15 to make an affordable housing contribution.

As Holyhead is located within the 'Holyhead' House Price Area in the Plan, it is noted that the provision of 10% affordable housing would be viable. As 2 units are proposed this means that 0.2 of the total new units should be affordable i.e. less than 1 unit. It is considered that a £20,000 pro rata commuted sum payment is required for affordable housing.

Policy TAI 8 'Appropriate Housing Mix' seeks to ensure that all new residential development contributes to improving the balance of housing and meets the identified needs of the whole community. Regard should be given to the LHMA, Council Housing Register, Tai Teg Register, 2014 - based household projections

etc. to assess the suitability of the mix of housing in terms of both type and tenure proposed on development sites to redress an identified imbalance in a local housing market.

Policy ISA 1 seeks adequate infrastructure capacity and where this is not provided by a service or infrastructure company, this must be funded by the proposal. Specifically for this type of development consideration would have to be given over the capacity with local schools to accommodate the anticipated number of children on the site.

Policy PCYFF2: Development Criteria states that proposals should be in line with the plan and national planning policy, make the most efficient use of land, provide appropriate amenity space regard to generation, treatment and disposal of water, where appropriate provision for management and eradication of invasive species. Proposals should not have an adverse impact on health, safety or amenity of occupiers of adjacent users.

Policy PCYFF3: Design and Place Shaping states that all proposals will be expected to demonstrate a high quality design which fully takes into account its context. Innovative and energy efficient design will be particularly encouraged.

Policy PCYFF 4: Design and Landscaping states that all proposals should integrate into their surroundings.

Layout, design and amenity impacts.

The layout of the application site is acceptable and the proposal also complies with distances as set out in the Supplementary Planning Guidance on Urban and Rural Environment.

Vehicular access and parking arrangements.

The proposed application entails the use of the existing vehicular access. The Highways Authority has confirmed that a speed survey was carried out and speeds were very low in this location; therefore, a recommendation of approval has been recommended with appropriate conditions. There is provision for 4 parking spaces and turning area within the application site.

Drainage

The foul drainage will connect into the existing mains sewer. Welsh Water has confirmed that they are satisfied with the proposal with an appropriately worded condition stating that no surface water is connected into the sewerage network.

The Drainage Section of the council has confirmed that further surface water drainage details will be required with any reserved matters application.

Affordable Housing

Policy TAI 15 seeks appropriate provision of affordable housing. For 2 or more dwellings in Holyhead 10% affordable housing will be required. As the proposal falls below 1 unit a pro-rata commuted sum payment of £20,000 is required for affordable housing.

Policy ISA1 seeks adequate infrastructure capacity. The Education Department have confirmed that no contribution is required for education in this instance.

Adjacent residential properties

Neighbouring properties have been notified of the development. The expiry date to receive representations was 12/10/18. At the time of writing the report one objections were received.

It is not considered that the proposal will have a negative impact upon the amenities currently enjoyed by existing residential properties. The proposal complies with distances set out within the Supplementary Planning Guidance on Urban and Rural Environment.

The side elevation of the proposed dwellings are between 3 - 6.5 metres of the boundary. The Supplementary Planning Guidance states that a distance of 2.5m should be achieved from side elevations to the boundary.

The proposed ground floor main windows to the main windows of properties on Arthur Street would be approximately 21m, this complies with the distances set out in the Supplementary Planning Guidance.

Conclusion

Having considered the above and all other material considerations the recommendation is one of approval subject to a Legal Section 106 agreement for a pro-rata contribution towards affordable housing.

Recommendation

Permit

(01) Details of the appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.

Reason: The application is for outline planning permission.

(02) The development shall begin either before the expiration of five years from the date of this permission or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

Reason: To prevent the accumulation of planning permission: to enable the Council to review the suitability of the development in the light of altered circumstances and to comply with the provisions of Section 92(2) of the Town and Country Planning Act 1990

(03) Any application for approval of the reserved matters shall be made to the local planning authority not later than three years from the date of this permission.

Reason: To prevent the accumulation of planning permissions to enable the Council to review the suitability of the development in the light of altered circumstances and to comply with the provisions of Section 92(2) of the Town and Country Planning Act 1990.

(04) The access shall be laid out and constructed strictly in accordance with the submitted plan before the use hereby permitted is commenced and thereafter shall be retained and kept free from permanent obstruction and used only for access purposes.

Reason: In order to minimise danger, obstruction and inconvenience to users of the highway and of the access.

(05) The access shall be constructed with its gradient not exceeding 1 in 20 for the first 5 metres back from the nearside edge of the adjoining carriageway.

Reason: To provide adequate intervisibility between the access and the existing public highway for the safety and convenience of users of the highway and of the access.

(06) The access shall be completed with a bitumen surface for the first 5 metres from the nearside edge of the highway with the surface water drainage system completed and fully operational

before any work is commenced on the remainder of the development before the use hereby permitted is commenced.

Reason: In order to minimise danger, obstruction and inconvenience to users of the highway and of the access.

(07) The car parking accommodation shall be completed in full accordance with the details as shown on the attached plan drawing reference 1576-A3-02 before the use hereby permitted is commenced and thereafter retained solely for those purposes.

Reason: To enable vehicles to draw off, park and turn clear of the highway to minimise danger, obstruction and inconvenience to users of the adjoining highway.

(08) The commencement of the development shall not take place until there has been submitted to and approved in writing by the Local Planning Authority, a Construction Traffic Management Plan (CTMP). The CTMP shall include;

- (i) The routing to and from the site of construction vehicles, plant and deliveries.**
- (ii) The type size and weight of construction and delivery vehicles to be used in connection with the construction of the development, having regard to the geometry, width, alignment and structural condition of the highway network along the access route to the site;**
- (iii) The timing and frequency of construction and delivery vehicles to be used in connection with the development, having regard to minimising the effect on sensitive parts of the highway network and construction routes to the site, including regard for sensitive receptors e.g. schools and network constraints;**
- (v) Measures to minimise and mitigate the risk to road users in particular non-motorised users;**
- (vi) The arrangements to be made for on-site parking for personnel working on the Site and for visitors;**
- (vii) The arrangements for loading and unloading and the storage of plant and materials;**
- (viii) Details of measures to be implemented to prevent mud and debris from contaminating the adjacent highway network;**

The construction of the development shall be completed in accordance with the approved plan.

Reason: To ensure reasonable and proper control is exercised over construction traffic and construction activities in the interests of highway safety.

(09) Natural slates of uniform colour shall be used as the roofing material of the proposed dwellings.

Reason: To ensure that the development is in the interests of amenity.

(10) No surface water shall be allowed to connect either directly or indirectly to the public sewerage system unless otherwise approved in writing by the local planning authority.

Reason: To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no detriment to the environment.

(11) The development hereby permitted shall be carried out in strict conformity with the details shown on the plans tabled below, contained in the form of application and in any other documents accompanying such application unless included within any provision of the conditions of this planning permission.

- **Location Plan - 1576-A3-01**
- **Location/Block Plan Proposed - 1576-A3-02**

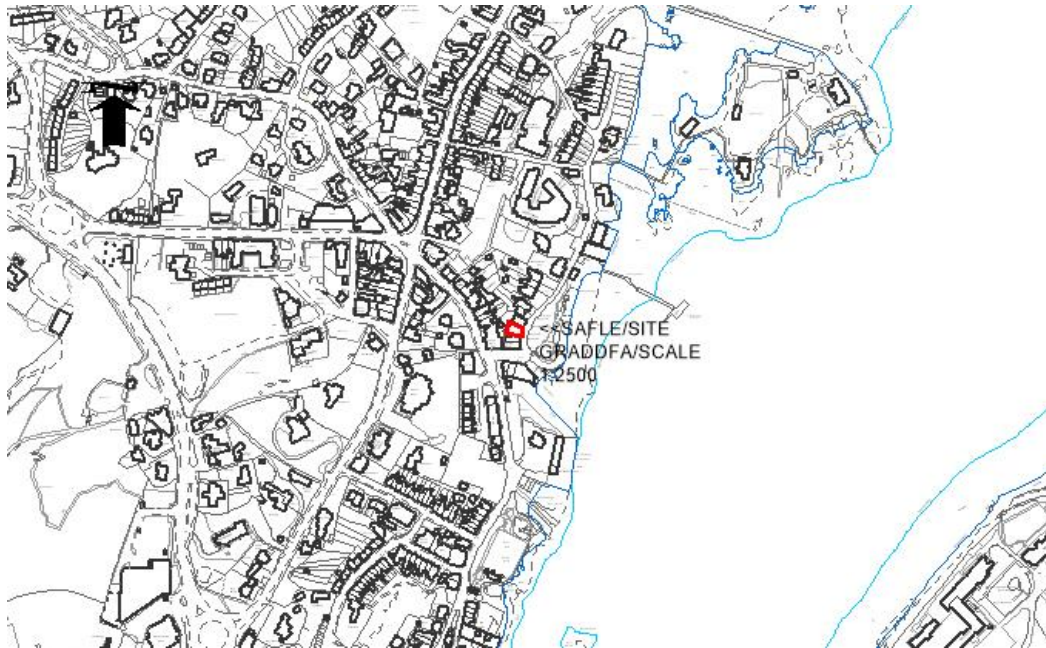
Reason: To ensure that the development is implemented in accord with the approved details.

In addition the Head of Service be authorised to add to, remove or amend/vary any condition(s) before the issuing of the planning permission, providing that such changes do not affect the nature or go to the heart of the permission/development.

Application Reference: 39C589A/VAR/ENF

Description: Cais o dan Adran 73A i ddiwygio amod (02) o ganiatd cynllunio rhif 39C589 (Cais llawn ar gyfer addasu ag ehangu sydd yn cynnwys dec haul yn) er mwyn diwygio dyluniad y cynllun a gymeradwywyd, yn cynnwys dymchwel ac ail adeiladu rhan o'r llawr isaf yn / Application under Section 73A for the variation of condition (02) of planning permission reference 39C589 (Full application for alterations and extensions which includes a sun deck) so as to amend the design of the approved scheme, including the demolition and rebuilding of part of the ground floor at

Site Address: 1 Tros y Môr, Ffordd Cynan/St Georges Road, Porthaethwy/Menai Bridge



Report of Head of Regulation and Economic Development Service (Joanne Roberts)

Recommendation: Permit

Reason for Reporting to Committee

At the request of the Local Member.

Proposal and Site:

The application is submitted under Section 73A for the variation of condition (02) of planning permission reference 39C589 (Full application for alterations and extensions which includes a sun deck) so as to amend the design of the approved scheme, including the demolition and rebuilding of part of the ground floor.

The application site comprises a semi-detached three storey property located at the Southern end of St George's Road within the development boundary of the Local Service Centre of Menai Bridge.

Key Issues

The key issues are whether the development is in compliance with local and national planning policies, and whether it is acceptable in terms of siting, design and impact upon the character and appearance of the designated area and amenities of neighbouring properties.

Policies

Joint Local Development Plan

Policy PCYFF 1: Development Boundaries

Policy PCYFF 3: Design and Place Shaping

Strategic Policy PS 20: Preserving and where Appropriate Enhancing Heritage Assets

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

Planning Policy Wales (Edition 9, November 2016)

Technical Advice Note 24: The Historic Environment (2017)

Menai Bridge Conservation Area Character Appraisal

Response to Consultation and Publicity

Consultee	Response
Heritage Advisor	Proposal would not cause any significant adverse impact on the Conservation Area, and could, in our opinion, be viewed as an improvement on the previously approved plans.
Cynghorydd Robin Wyn Williams	Request that the application be referred to the Planning and Orders Committee for determination due to concern that the development is not being carried out in accordance with the plans.
Cyngor Tref Porthaethwy / Menai Bridge Town Council	No observations.
Cynghorydd Meirion Jones	No response at the time of writing the report.
Cynghorydd Alun Wyn Mummery	No response at the time or writing the report.

The application was afforded three means of publicity. These were by the posting of notices near the site and serving of personal notification letters on the occupiers of the neighbouring properties together with the publication of an advert in the local press. The latest date for the receipt of representations is the 05/12/2018. At the time of writing this report, one letter had been received and the main points raised are summarised below:

- There has been extensive demolition of both the back wall, shed and rear elevation of the main property, despite a “no demolition” declaration being made on the original application. This has led to the following observations: a) The physical footprint has now increased, partly due to the demolition of the rear wall, (as opposed to the development being constructed within the former rear wall, clearly shown on the original application). b) There has been access created on the plan into the contested rear alleyway of the property (an adversary possession claim is ongoing currently).
- Roof elevations differ significantly from the original application, not only in overall height, but in pitch and poly roof materials used, from the original part conservatory glass version granted.
- It can also be clearly seen that both the pitch and materials of the amended application do not match the current build in some areas.

- Both the physical and aesthetic impact on the adjoining properties is greater than the original approved design due to these changes. To include the use of “solid” finishes and polyroof type roofing, as opposed to the approved glass in various areas. Therefore it is considered that this development breaches planning regulations on the following grounds: a) Overdevelopment. b) Right to Light. c) Privacy, 45 degree rule from neighbours windows. d) Overbearing, doesn't respect character rule. e) Party wall agreement procedures not respected.

Each of the above points are addressed in section 6 of this report with the exception of the comments relating to the dispute regarding the access onto the alleyway and party wall issues, which do not fall within the remit of the planning regime and are private legal matters for the relevant parties.

Relevant Planning History

39C589 – Full application for alterations and extensions which includes a sun deck at 1 Tros Y Môr, St Georges Road, Menai Bridge.
Granted – 20.07.2017

Main Planning Considerations

The application is submitted following an enforcement investigation, for permission under Section 73A for the variation of condition (02) of planning permission reference 39C589 (Full application for alterations and extensions which includes a sun deck) so as to amend the design of the approved scheme, including the demolition and rebuilding of part of the ground floor.

Section 73A(2)(1)(c) applies to development carried out without complying with some condition subject to which planning permission was granted. In this case the development is not being carried out in accordance with condition (02) of planning permission reference 39C589 which required that the development be carried out in accordance with the plans approved. The fact that the application is effectively made in retrospect is irrelevant in its determination. It is not a criminal offence to carry out development without first obtaining any necessary planning permission. There are provisions within the Planning Act to allow for planning permission to be applied for retrospectively.

Paragraph 14.2.3 of the Development Management Manual states that when considering enforcement action, the decisive issue for the local planning authority should be whether the breach of planning control would unacceptably affect public amenity or the existing use of land and building meriting protection in the public interest. Enforcement action should be commensurate with the breach of planning control to which it relates; it is usually inappropriate to take formal enforcement action against a trivial or technical breach of control which causes no harm to public amenity. The intention should be to remedy the effects of the breach of planning control, not to punish the person(s) carrying out the breach. Nor should enforcement action be taken simply to regularise development for which permission had not been sought but is otherwise acceptable.

Policy PCYFF1 of the JLDP states that proposals within development boundaries will be approved in accordance with other policies and proposals of the plan, national planning policies and other material planning considerations.

On the basis that the site is located within the development boundary it is therefore in compliance with the principle of policy PCYFF1 subject to compliance with other relevant policies.

Policy PCYFF 3 of the JLDP relates to design and place shaping.

It requires that developments demonstrate a high quality design which fully takes into account the natural, historic and built environmental context and contributes to the creation of attractive, sustainable places. Developments are required to conform with the listed criteria where relevant and which include that developments complement and enhance the character and appearance of the site, building or area in terms of siting, appearance, scale, height, massing and elevation treatment.

Policy PS20 of the JLDP relates to preserving and where appropriate enhancing heritage assets and states that in seeking to support the wider economic and social needs of the Plan area, the Local Planning Authorities will preserve and where appropriate, enhance its unique heritage assets. Proposals that preserve and where appropriate enhance the following (relevant) heritage assets, their setting and significant views into and out of the building/area will be granted: 3. Conservation Areas (in line with policy AT 1).

Policy AT 1 of the JLDP relate to conservation areas, world heritage sites and registered historic landscapes, parks and gardens.

The policy states that proposals within or affecting the setting and/or significant views into and out of Conservation Areas, World Heritage Sites and Registered Historic Landscapes, Parks and Gardens shown on the Constraints Map must, where appropriate, have regard to: 1. Adopted Conservation Area Character Appraisals, Conservation Area Plans and Delivery Strategies.

Planning permission was granted on the 20th July 2017 under reference 39C589 for a first floor rear extension comprising kitchen, sun lounge and sun deck.

Following the receipt of a complaint that the development was not being carried out in accordance with the plans approved it was observed that part of the existing ground floor, comprising of an existing dressing room, bathroom and utility room which should have been retained as part of the approved development had been demolished and rebuilt, on a marginally larger footprint. The new ground floor is extended 300mm to each side and 200mm to the rear. In addition the application also seeks permission for amendments to the design and appearance of the extension comprising variation to the doors and windows, resulting in an overall reduction in glazing, alteration to the roof pitch by virtue of a 0.5m increase in the height of the Northern and Southern walls, but no increase in the ridge height, resulting in an overall shallower roof pitch and variation to the finishing materials comprising of fibreglass roof and cedar cladding to the external walls and sun deck, painted to match the existing building.

With regard to the objector's comments relating to overdevelopment, right to light, 45 degree rule, overbearing and out of character I would comment that there is little change in the overall scale of the development with only a slight increase in the height and footprint of the development, it is not therefore considered that the amendments can be regarded as being overdevelopment or out of character. With regard to right to light, given that the objectors' property lies to the South of the development site it is not considered that the development would lead to a loss of light to such a degree as to warrant refusing the application. It is noted that a small section of the South Western corner of the extension lies within 45 degrees of the window in the Western elevation of the objectors property, however this would have been the case had the development been carried out as per the originally approved plans.

Consideration was given to the impacts upon neighbouring properties as part of the assessment of the original application and whilst acknowledging the relatively close proximity to neighbouring properties it was not considered that the proposal would have resulted in significantly greater impacts than those which already existed.

Comments have also been sought from the Heritage Advisor, who had confirmed that he does not consider that the proposed amendments, including additional cedar cladding, would cause a significant adverse impact on the character and appearance of the designated Conservation Area

It is not therefore considered that the proposed amendments give rise to significantly greater impacts than the originally approved development such that refusal of the application could be justified.

The proposed amendments are therefore considered to be acceptable and in accordance policies PCYFF1, PCYFF3, PS20 and AT1 of the Anglesey and Gwynedd Joint Local Development Plan and it is not considered that the amendments result in a development which is significantly or unacceptably different to that which was originally granted, particularly in terms of any impacts upon the character and appearance of the designated Conservation Area or the amenities of neighbouring properties.

Conclusion

The proposed amendments are considered to be acceptable and it is not considered that the development gives rise to a significant detrimental impact upon the character and amenities of the designated Conservation Area or nearby residential occupiers.

Recommendation

Permit

(01) The development hereby permitted shall be carried out in strict conformity with the details shown on the plans listed below, contained in the form of application and in any other documents accompanying such application unless included within any provision of the conditions of this planning permission.

Location Plan, A.00.01, 14/08/2018

Proposed Ground Floor , A.03.02, 04/10/2018

Proposed First Floor, A.03.03, 04/10/2018

Proposed Elevations, A.03.04, 12/11/2018

Reason: To ensure that the development is implemented in accord with the approved details.

In addition the Head of Service be authorised to add to, remove or amend/vary any condition(s) before the issuing of the planning permission, providing that such changes do not affect the nature or go to the heart of the permission/development.