

REPORT OF THE CHIEF OFFICER ECONOMY AND PLANNING – 7 November 2022

APPLICATION NO:
P/2022 /0561

LOCATION:
10 MEADOWCROFT CROSS LANES
WREXHAM
LL13 0UJ

DATE RECEIVED:
07/06/2022

COMMUNITY:
Sesswick

DESCRIPTION:
ESTYNIAD DEULAWR I GEFN YR
EIDDO / TWO STOREY REAR
EXTENSION

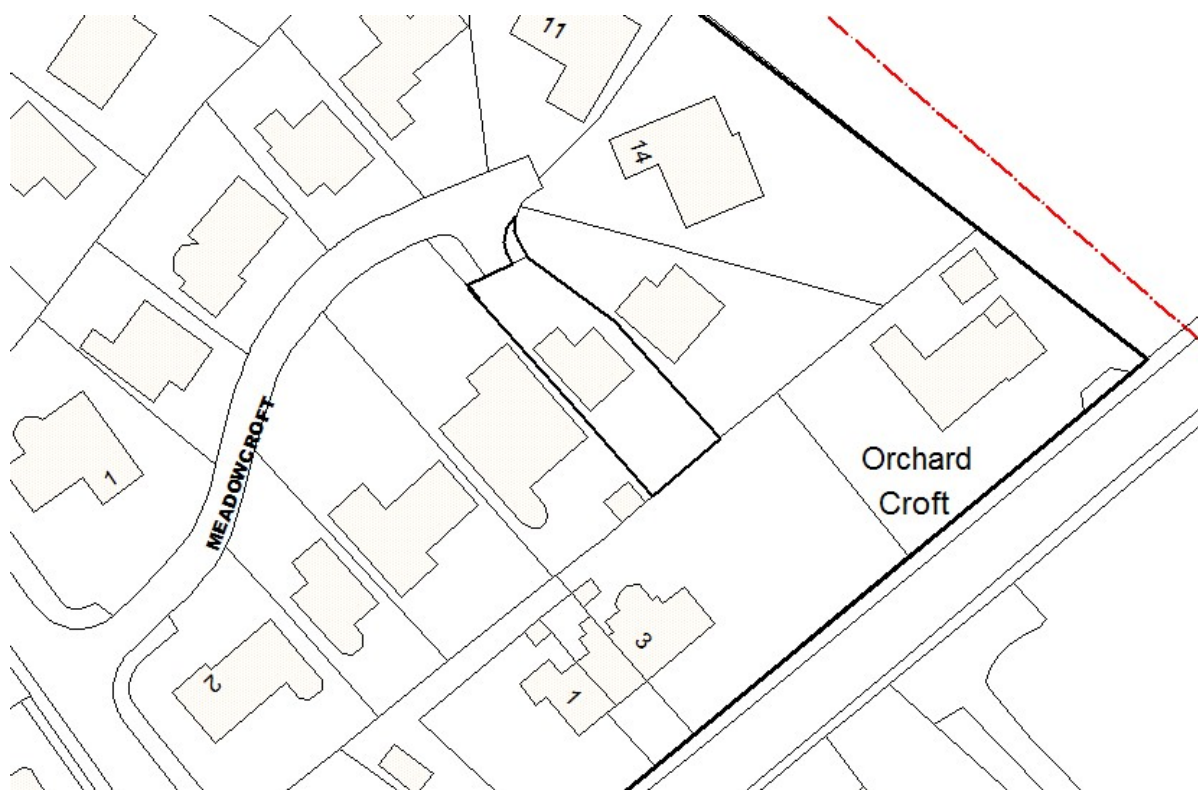
CASE OFFICER:
AB2

WARD:
Marchwiel

APPLICANT(S) NAME:
MRS SIAN ENSOR

AGENT NAME:
DESIGN IN SAFETY
MR DAVID INESON

THE SITE





Front of 10 Meadow Croft Road.

PROPOSAL

The application proposes a two-storey rear extension at a detached property located along Meadow Croft within the settlement of Cross Lanes.

PLANNING HISTORY

No relevant planning history.

DEVELOPMENT PLAN

The site is located within the settlement boundary of Cross Lanes. Wrexham Unitary Development Plan Policies PS2, T8 and GDP1 apply. Local Planning Guidance Notes 20 'House Extensions' and 21 'Space around Dwellings' are also relevant.

CONSULTATIONS

Community Council

The Community Council has no objection to the proposal however, they note that the proposed upper storey may have a detrimental effect on numbers 8 and 12 Meadowcroft. The Community Council states that they still have reservations about the distance the upper floor projects even though it is within planning guidelines.

Local Member

No comment.

Neighbours

Comments have been received from three neighbouring dwellings in relation to the following:

- The ground floor element of the proposed extension will come close to cutting off 50 degrees of vision from neighbouring habitable room windows, as such, it is preferred that the ground floor element is 0.5m shorter;
- When the houses were originally built, regulations stated that there should be 20 metres between overlooking windows of habitable space to allow for privacy. The reduction in distance between properties is of concern;
- The proposed bedroom window will be 4.3 metres closer to habitable room windows of properties to the rear of 10 Meadow Croft;
- No upper rear windows of 3 Sesswick Halt Cottages overlook or intrude on the private spaces of number 10;
- Planning regulations state that an upper storey extension on a detached dwelling should not protrude further than 3 metres from the back wall of the existing building, and be at least 7 metres from the rear boundary;
- Will the proposed extension reduce the garden space to less than that required;
- The garden of a neighbouring property to the rear of 10 Meadow Croft is subject to flooding in the winter due to heavy clay and poor drainage, frequently under water for weeks. The neighbour is concerned that the addition of more hard surface and less ground area to allow for soak away will result in this becoming a greater problem;
- Any proposed extension would have to ensure that rainfall is dispersed effectively without overflowing existing drainage;
- The proposed extension will have a detrimental impact upon light reaching kitchen and bedroom windows of a neighbouring property. In addition to this, the side windows will overlook garden space;
- The proposed extension will cross the '45 degree rule';
- The proposed extension would reduce the amount of light falling on the property 12 Meadow Croft, which would be exacerbated during the spring and winter months when the sun does not rise as far as the summer months;
- There is a brick wall between 10 and 12 Meadow Croft, this wall would need to be preserved;
- The provided plans are not comprehensive enough in regards to size and location of the changes (no scale, no dimensions, no relative position regarding adjacent properties).

The following representation has been received objecting to the amended plans for the following reasons:

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- Revised plan has two large bedroom windows overlooking private spaces, short of the 22m distance;
- The accuracy of the revised plans has been raised, it does not show the distance between the nearest bedroom window and our kitchen window (18.5 meters) and utility window (19m), and the furthest bedroom window and our kitchen window (20.4 meters);
- Presently there are 21 metres between building lines and overlooking windows (private spaces), already falling short by 1 meter. As the proposed extension is so close to the boundary it makes little difference if the property is at a diagonal;
- On the Wales.gov website it states that the distance between the rear wall of the extended part of the house and the rear boundary of the house, normally the rear garden fence or wall, must be at least 10.5 meters. In this proposal it is 7.6 meters from the boundary fence;
- Private space is being visually invaded;
- On the housing estate behind our home there are no instances where dwellings and building lines are so close together or where privacy is compromised to this degree;
- We are in the process of making application for outline planning for a house (infill) on the garden space to the rear of 10 Meadowcroft. We feel that if the building lines change and the 22 meter rule is ignored it will compromise our plans to build a decent sized house. There is a building line at the front of our house which inhibits stepping beyond it nearer to the road.

SPECIAL CONSIDERATIONS

Background: The application proposes a two-storey rear extension at a detached property located along Meadow Croft within the settlement of Cross Lanes. During the course of the application, the proposed plans have been amended to include a reduction of the first floor projection from 4 metres to 3 metres. In addition to this, the internal layout has been amended therefore, the proposed first floor window in the south-west facing side elevation now serves a bathroom and will be obscurely glazed. The main issues to consider relate to the impact of the proposed development upon residential and visual amenity.

Residential Amenity: 10 Meadow Croft is set within an estate development. The surrounding properties are mostly detached in nature. The site is not located within a Conservation Area and is located within the settlement limit of Cross Lanes, as such, there are no restrictions placed on the size of extensions permitted.

The originally submitted plans had a side window serving a habitable room. The proposed window did not meet the minimum separation distance of 13 metres that is required to be achieved by Local Planning Guidance Note 20, between habitable room windows and blank elevations. During the course of the application the internal arrangements have been reconfigured to ensure that the proposed side windows now serve a bathroom (a non-habitable room) and will be obscurely glazed, which will be controlled through condition. These

changes have ensured that there would be no direct facing, overlooking or loss of privacy to any neighbouring property.

The original proposal included a first-floor that projected 4 metres from the original rear wall of the dwelling (figure 1). The original projection of 4 metres from the original rear wall was considered to be overly dominant in relation to numbers 8 and 12 Meadow Croft. During the course of the application the first-floor projection has been reduced to 3 metres (figure 2). This reduction in depth of the proposed extension has addressed any concerns in relation to the proposal being over bearing or resulting in unacceptable light loss to neighbouring properties.



Figure 1. Original proposed side elevation (4m first-floor projection).



Figure 2. Amended proposed side elevation (3m first-floor projection).



Original Proposed First Floor Plan



Amended Proposed First Floor Plan

Local Planning Guidance Note 20 'House Extensions' states that there should be a minimum of 22 metres between facing windows of habitable rooms. The distance between the extension and no.3 Sesswick Halt Cottages to the rear is 20 metres however, the relative position of the two properties is such that windows in their rear elevations do not directly face each other. The offset is sufficient that the separation distance will not give rise to a loss of privacy to the occupiers of no.3 Sesswick Holt Cottage.

There is approximately 9 metres between the rear first floor windows of the proposed extension and the boundary with 3 Sesswick Halt Cottage. It is noted that an objector has referred to a requirement for extensions to be 10.5m from a rear boundary however, this is a requirements for proposals for first floor extensions to be built without the planning permission. This limitation does not apply to extensions requiring planning permission. The image below shows the rear of 10 Meadow Croft taken from the B5130 in relation to 3 Sesswick Halt Cottage to the left (figure 3).



Figure 3. Rear of 10 Meadow Croft as seen from the B5130 in relation to 3 Sesswick Halt Cottage (White dwelling to left).

The image demonstrates that the area to the side of no.3 Sesswick Halt Cottages is already overlooked by first floor windows from the application site and the two properties either side. The proposals will not materially increase overlooking. It is noted that the owners of no.3 Sesswick Halt Cottages are considering applying for outline planning permission for a dwelling on the land shown in the image. It would not be reasonable to take into account the potential impact of the extension upon a development that does yet not have planning permission.

Local Planning Guidance Note 20 'House Extensions' states that extensions should leave a minimum of 50 square meters of usable private garden space within the boundary of the site. It is noted that the proposal will result in at least 70 square meters of usable private garden space. As such, it is considered that the proposal will provide adequate private amenity space for the residents.

Regard has been had to the relative position of windows, separation distances and the orientation and height of buildings. On balance, it is considered that the proposal would not have a significant adverse impact on health or quality of life, having particular regard to residential amenity.

Design and Visual Amenity: The application as a whole is considered to be in keeping with the character and appearance of, and is subordinate to the original dwelling, surrounding properties and the wider setting in accordance with the principles of good design. The proposed extension would not overbear or dominate the host dwelling. The use of matching construction materials will also enable the proposed extension to both tie-in with and harmonise with the host dwelling, reducing its visual impact.

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Although of a simple architectural design, the proposal would be largely consistent with the pattern, size and design of the host dwelling despite extending its footprint. Overall, despite its size the proposed extension is considered to be, on balance, an appropriate addition to the host dwelling which would not adversely affect its modern character or appearance.

As such, it is considered that the amended scheme is acceptable in regard to design and residential amenity.

Parking: The existing dwelling has three bedrooms, the proposed extension will result in an additional bedroom. Local Planning Guidance Note 16 'Parking Standards' states that dwellings with 3/4 bedrooms require 3 car parking spaces. As such, there is no requirement for additional parking and it is considered that the existing parking provision is sufficient.

The proposed extension would be located on the side/rear elevation of the host dwelling, and as such would not impact upon the existing access arrangements serving the host property, nor result in any loss of off street parking provision. As such, there would be no material effect on existing highway conditions from either a safety or capacity perspective as a result of this proposed extension.

Other Issues: Concerns have been raised in relation to the proposed extension increasing levels of flooding at a neighbouring garden due to heavy clay and poor drainage. There is no reason to believe that the proposal would result in any unacceptable increase in surface water flooding to neighbouring dwellings. The application site is not located in an area of increased flood risk. The extension will be subject to Building Regulations Approval to ensure adequate drainage of the site. Any work to a boundary wall would be covered by the Party Wall Act 1996.

CONCLUSION

It is considered that the proposed two-storey rear extension is acceptable in regard to scale and design, and that there will be no unacceptable impact upon the residential amenity of neighbouring dwellings or upon highway safety. The proposed extension complies with the separation distances recommended in LPGNs 21 and 22, with the property to the rear and it is considered that the proposal will cause no unacceptable harm to neighbouring dwellings in relation to loss of light, overshadowing or loss of privacy. The proposed development accords with the Council's adopted policies and guidance.

RECOMMENDATION: That permission be GRANTED

CONDITION(S)

1. The development hereby permitted shall be commenced before the expiry of five years from the date of this permission.

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2. The development shall only be carried out in strict accordance with the details shown on the approved drawing(s) DIS_AD_0127_SL01 Revision D, Site Block Plan and DIS_AD_SP01 Revision F, Proposed Floorplans and Elevations, and as contained within the application documentation.
3. No facing or roofing materials shall be used other than materials matching those used on the existing building.
4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 any window or opening in the first floor side elevations shall only be glazed or re-glazed using obscure glass.
5. With the exception of those shown on the approved plan and notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking, re-enacting that Order with or without modification) no windows or other openings shall be inserted in any elevation of the extension.

REASON(S)

1. To comply with Section 91(3) of the Town and Country Planning Act, 1990.
2. To comply with section 71ZA (2) of the Town and Country Planning Act 1990.
3. To ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area in accordance with Policies GDP1 and PS2 of the Wrexham Unitary Development Plan.
4. To protect the amenities of the occupiers of nearby properties in accordance with Policy GDP1 of the Wrexham Unitary Development Plan.
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NOTE(S) TO APPLICANT

All works relating to this development which are audible beyond the site boundary should be carried out only between 7.30 and 18.00 hrs Monday to Friday, and 08.00 to 14.00 hrs on a Saturday, and at no time on a Sunday or a Bank Holiday. Outside these times, any works which are audible beyond the site boundary have the potential to cause unreasonable disturbance to neighbouring premises.

The applicant is advised that the Council has the option to control construction noise by serving a Control of Pollution Act 1974, Section 60, Notice where deemed necessary, and failure to comply with such a Notice can result in prosecution.

The applicant is further advised that any complaints received relating to noise of any type from the development may also be investigated using the Council's Standardised Procedure for Dealing with Noise Nuisance Complaints. This is done under the Statutory Nuisance provisions provided within the Environmental Protection Act 1990, and legal action may be taken where appropriate.

The applicant must adhere to the times given above wherever possible. If however there are urgent or unavoidable circumstances requiring works outside of the specified times, permission to proceed may be sought by contacting the Council's Environmental Health and Housing Standards at: healthandhousing@wrexham.gov.uk or on 01978 292040. Please use the same contact details for any other enquiries regarding construction / demolition site noise.

You are advised that building work which involves work on an existing wall shared with another property, building on the boundary with a neighbouring property, or excavating near a neighbouring building may require the separate consent of the neighbour under the provisions of the Party Wall Act. If you require further information or advice please contact the Building Control Section on 01978 298884.

You are advised that the planning permission hereby granted does not authorise any building over, diversion, connection or other interference with any sewer, public or private, which crosses the site. You are advised to contact Welsh Water, PO Box 10, Treharris, CF46 6XZ (Tel: 01443 331155) in this regard, prior to undertaking any groundwork in connection with the development. Should you be required to depart from the details hereby approved, you should contact the Council's planning department to seek further advice with regard to the submission of amended plans and / or a new planning application.

The accuracy of the detailed plans and drawings forming part of the application documents hereby approved shall remain the responsibility of the applicant/developer.
