

**REPORT OF THE CHIEF OFFICER PLANNING AND REGULATORY – 6TH DECEMBER
2021**

APPLICATION NO:
P/2021 /0922

LOCATION:
7 HERMITAGE DRIVE WREXHAM
LL13 7EY

DATE RECEIVED:
21/09/2021

COMMUNITY:
Offa

DESCRIPTION:
ESTYNIAD OCHR LLAWR CYNTAF,
ESTYNIAD DEULAWR I'R CEFN A
CHODI ADEILAD ALLANOL / FIRST
FLOOR SIDE EXTENSION, TWO
STOREY REAR EXTENSION AND
ERECTION OF OUTBUILDING

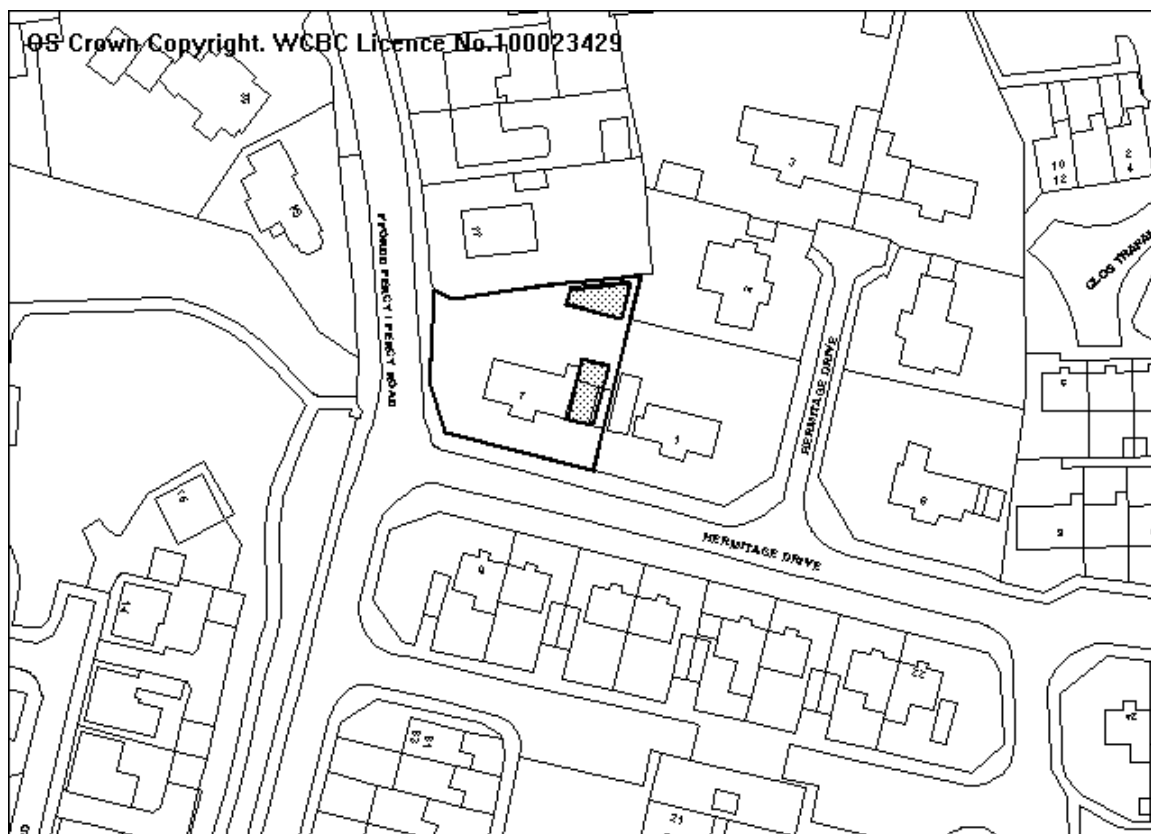
CASE OFFICER:
SEH

WARD:
Hermitage

AGENT NAME:
MR GERAINT
EDWARDS

APPLICANT(S) NAME:
MR CHRIS TYE

THE SITE



**REPORT OF THE CHIEF OFFICER PLANNING AND REGULATORY – 6TH DECEMBER
2021**



PROPOSAL

As above

PLANNING HISTORY

None relevant

DEVELOPMENT PLAN

The site is within settlement. UDP Policies PS2, T8 and GDP1 apply. Local Planning Guidance Notes Nos. 16 'Parking Standards', 20 'House Extensions' and 21 'Space around Dwellings' are also relevant.

CONSULTATIONS

Community Council:	No comment. Re-consulted 18/11/2021
Local Member:	Requests that this application is determined by the planning committee. Re-consulted 18/11/2021 – confirmed that amended plans are noted.
NRW:	We have reviewed the planning application submitted to us, and from the information provided we do not consider that the proposed development affects a matter listed on our Consultation Topics. We therefore do not have any comment to make on the proposed development, in this respect. The application as submitted is unlikely to increase the amount of phosphorus entering the catchment. Therefore, we are satisfied that the proposal is not likely to have a significant effect on the River Dee and Bala Lake SAC.

REPORT OF THE CHIEF OFFICER PLANNING AND REGULATORY – 6TH DECEMBER

2021

Neighbours:

3 letters of objection received expressing the following:

- The extension is disproportionately large in scale and would create an overbearing feeling and loss of light to the adjacent dwellings and gardens;
- The scale and visual impact of this substantial extension is excessive, and would not be in keeping with the area;
- The plans appear to double the size of the property which will be obtrusive and detrimental to the appearance of the neighbourhood;
- The extension and garden pavilion are an overdevelopment of the site;
- The bar and games room (pavilion) is not suitable in a quiet residential area and has the potential for noise and disturbance;
- The proposed site of development is to such a scale that the primary area of our home and garden would be severely overlooked from the second floor room of the new development, resulting in a serious invasion of our privacy;
- We would urge you to consider the responsibilities of the council under the Human Rights Act in particular Protocol 1, Article 1 which states that a person has the right to peaceful enjoyment of all their possessions which includes the home and other land. We believe that the proposed development would have a dominating impact on us and our right to the quiet enjoyment of our property. Article 8 of the Human Rights Act states that a person has the substantive right to respect for their private and family life;
- This application does not respect local context and street pattern or, in particular, the scale and proportions of surrounding buildings, and would be entirely out of the character of the area, to the detriment of the local environment. The properties along Hermitage Drive are typically characterised by large plots with large spacing between;
- If the plans are to reflect an additional bedroom to the original property which was recently purchased as a 4 bedroom house, there will be inadequate parking spaces for potentially 5 vehicles. We believe that the proposed development does not provide sufficient parking space to meet these requirements. This

**REPORT OF THE CHIEF OFFICER PLANNING AND REGULATORY – 6TH DECEMBER
2021**

will lead to further street parking where vehicles would park outside the property on a junction to the detriment of other road users;

- With regards to the proposed Pavilion, the plans show that the structure is to be erected 1000mm from my boundary running along the length for over 10.5 meters. My boundary is a well-established secure hedge. A permanent structure would block out any light, rain and nutrients to enable my boundary to continue to grow successfully, which would result in a lack of security and privacy when the hedge withers. As per the Local Planning Guidance notes no 20, *'Any extension within one meter of the boundary will normally be limited to a maximum of 3.5 meters in length'*. We have also great concern to the noise level as this is structure is close to our property, and the Pavilion could be converted to an annex or granny flat for a permanent residency;
- We would like to request that, in the unfortunate event that this application should be approved, the council consider using its powers to enforce controlled hours of operation and other restrictions that might make the duration of the works more bearable in this quiet residential area. The proposed site of development has a very small entrance, so we would ask that consideration be made about how and where construction vehicles and staff would gain access to the site for unloading and parking without causing a highway hazard or inconveniencing neighbours.

Re-consulted 18/11/2021

SPECIAL CONSIDERATIONS

Background: Proposed is a two storey side and rear extension, a single storey outbuilding (described as a garden pavilion /bar /games room, in the application documentation), and alterations to the existing porch. The application has been amended since the original submission, to both reduce the scale and simplify the design of the extension, and to amend the internal layout to protect the amenities of the occupiers of the adjacent dwellings. The main issues to consider relate to the impact of the development upon residential and visual amenities, and upon highway safety.

Design and Residential Amenity: The properties along this section of Hermitage Drive are characterised by large dwellings, set within large open

**REPORT OF THE CHIEF OFFICER PLANNING AND REGULATORY – 6TH DECEMBER
2021**

plots, with generous spacing between, at first floor level. The dwellings are of simple, symmetrical design, and largely remain unaltered. It is important to note that this site is not within a conservation area, and is located within the settlement limit, where there are no limits placed on the size of extensions permitted. The test is whether the development would have a detrimental impact upon residential and visual amenities. or upon highway safety.

Two Storey Extension

The original application did not respect the existing simple design concept of the dwellings, the street scene or the scale and proportions of the buildings. The development was therefore considered harmful to the character and appearance of the area.

The scale of the extension coupled with the close proximity to the side boundary, would have over dominated the dwelling immediately adjacent. The outbuilding was also attached to the extended dwelling by a series of horizontal timbers, which further emphasised the extent of development on this same neighbouring dwelling.

The location of new bedroom / dressing room windows in the rear and side elevations would have resulted in a loss of privacy to the occupiers of both the adjacent property, and the property to the rear. Please see figures 1 to 4 below, for details of the existing dwelling and the original scheme.



Figure 1. Existing Front Elevation

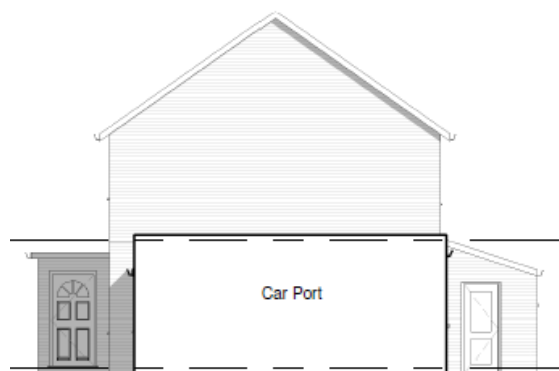


Figure 2. Existing Side Elevation



Figure 3. Originally Proposed Front Elevation



Figure 4. Originally Proposed Side Elevation

The scheme has now been amended which has addressed all of my previous concerns. The width of the side extension has been reduced at first floor level, to increase the gap between it and the adjacent property, and the rear projection has also been reduced. This together with the deletion of the horizontal timbers has addressed any over bearing impact upon the adjacent property.

The floor plan has been rearranged so that no new habitable room windows (bedroom / dressing room) face the properties to the side or rear. There would no loss of light or overlooking, as the 45 degree for daylight (as set out in LPG 20) passes, and the development accords with the separation distances as set out in LPGN 20.

The design of the extension has been simplified and is now in keeping with the dwelling, better respecting the symmetry of the existing building. The extension is set back from the front elevation, and set below the existing ridge height to provide a visual break and to appear more subservient. This together with the increase in gap between the dwellings, better accords with the pattern of the existing built development and respect the character and appearance of the area. The extension sits more modestly within the street scene with the plot remaining largely open, and this amended proposal would not result in an overdevelopment of the site. Please see figures 5 to 8 below, for details of the amended scheme.



Figure 5. Amended Proposed Front Elevation

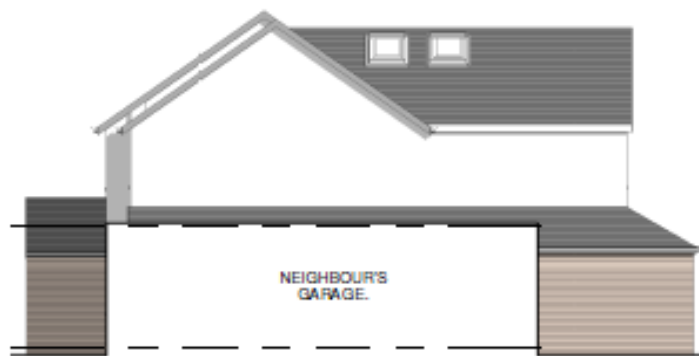


Figure 6. Amended Proposed Side Elevation

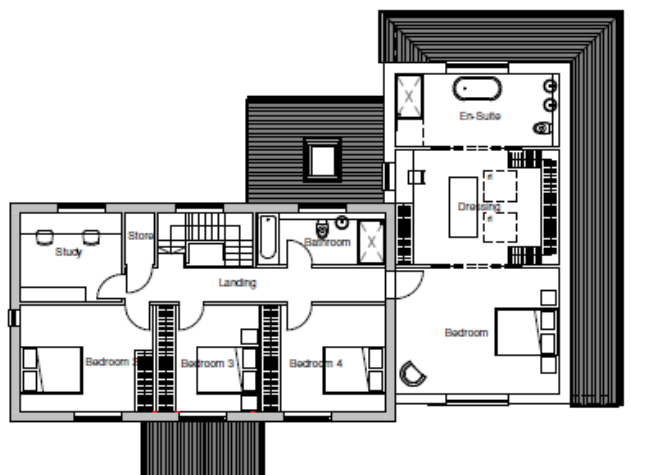


Figure 7. Amended Proposed First Floor Pan

2021

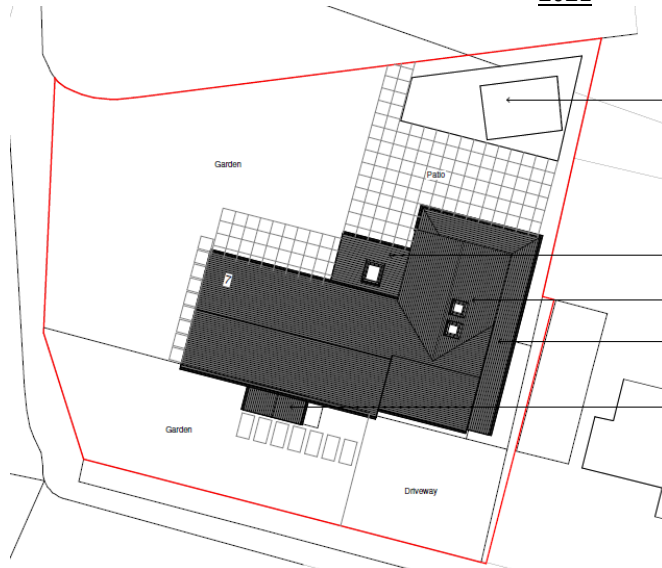


Figure 8. Amended Proposed Site Plan

Outbuilding

On first inspection, it appeared that an application for planning permission for the proposed outbuilding would not be required, as it would be permitted development. However, there is a raised section of roof for the outbuilding which means that the building does require the benefit of express planning permission. The section of additional roof height is required to accommodate a golf simulator, and the internal ceiling height is needed to accommodate the golf club swing.

The top of the roof measures 3.2 metres from ground level, with the rest of the roof at 2.5 metres. The length of the building is approximately 10.5 metres. As mentioned above, this building would be permitted development if it were not for the additional section of roof. I have no concerns with this higher section of the roof and, whilst it will be visible from the neighbouring dwelling, this will have no detrimental impact upon residential amenity in terms of being overbearing, any loss of light or loss of privacy.

A local resident has incorrectly referenced Local Planning Guidance Notes no. 20, 'Any extension within one metre of the boundary will normally be limited to a maximum of 3.5 metres in length'. This guidance relates to rear extensions to dwellings, and not to separate detached outbuildings. There is no restriction on the length of outbuildings, and the proposed built development, as described above, will not detrimentally affect the adjacent dwellings. Please see Figure 9 below, for details of the outbuilding.

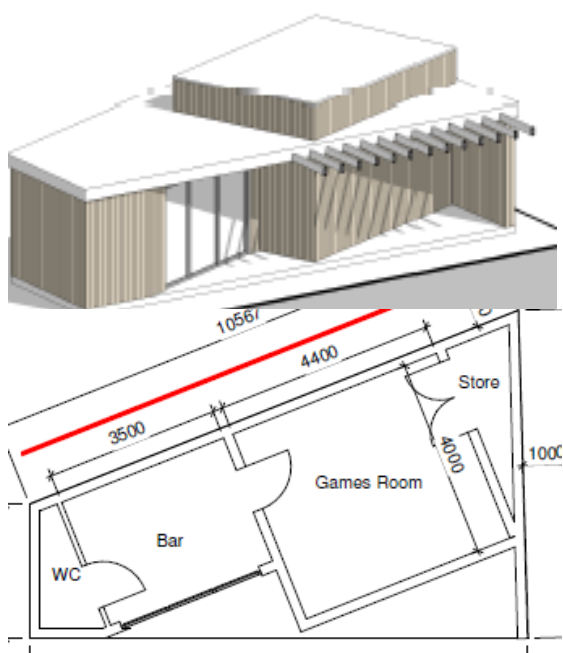


Figure 9. Proposed Outbuilding Elevation and Floor Plans

Parking: The existing dwelling has 4 bedrooms. The extension to the dwelling will provide for 5 bedrooms within the dwelling, in total. LPGN No.16 'Parking Standards' requires 4 on-site parking spaces and this can easily be accommodated within the space fronting the dwelling. The existing driveway is currently approximately 7 metres wide, and this will need to be widened by approximately 3 metres to accommodate 4 cars, parked side by side. A condition will be attached to the approval to secure this, should planning permission be granted.

Other matters: Concerns have been expressed over the use of the outbuilding, with particular reference to its use as a games room / bar. Provided that these uses remain domestic in nature, these uses are acceptable in principle within the residential curtilage of the site. Any noise resulting from the domestic use of this building is not a relevant consideration for this application. Noise nuisance is covered by other legislation which the planning process should not duplicate. Any actual instances of noise nuisance, should they arise, can be reported to the Environment Health Officer who will deal with the matter in accordance with the relevant legislation.

Concern has been expressed that the development will deprive water and nutrients to the neighbour's boundary hedge. It is not the responsibility of the applicant to ensure that water will reach the neighbouring hedge, and there appears no reason why adequate water will not be available from the neighbouring garden.

Conclusion: I consider the proposed porch, side/rear extension and outbuilding to be acceptable in terms of scale and design, and that there

**REPORT OF THE CHIEF OFFICER PLANNING AND REGULATORY – 6TH DECEMBER
2021**

would be no negative impact upon visual or residential amenities, or upon highway safety. Whilst I accept that the adjacent occupiers will see the development from their rear gardens, this does not translate into any demonstrable harm. The development is in accordance with the Council's adopted policies and guidance and I recommend accordingly.

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.
2. Prior to their use on the development samples of all external facing and roofing materials shall be submitted to and approved in writing by the Local Planning Authority. The development shall only be carried out in strict accordance with such details as are approved.
3. The development shall only be carried out in strict accordance with the details shown on the approved drawing(s) numbered A111, A101 Rev D and A110 Rev I, and as contained within the application documentation.
4. No part of the development shall commence until further details of onsite parking facilities for 4 no. vehicles, in accordance with LPGN No. 16, have been submitted to, and approved in writing by, the Local Planning Authority. The facilities as are approved shall be fully laid out, surfaced and drained prior to first use of the development, and shall thereafter be permanently retained and kept free of any obstruction, and made available solely for the parking motor vehicles at all times.
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.
6. 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), the windows in the bathrooms facing North, at first floor level, shall only be glazed or re-glazed using obscure glass which shall thereafter be permanently retained.
7. The outbuilding shall not be used at any time other than for purposes ancillary to the residential use of the dwelling no.7 Hermitage Drive.

REASON(S)

1. To comply with Section 91(3) of the Town and Country Planning Act, 1990.
2. 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.

**REPORT OF THE CHIEF OFFICER PLANNING AND REGULATORY – 6TH DECEMBER
2021**

3. To comply with section 71ZA (2) of the Town and Country Planning Act 1990.
4. To provide for the parking of vehicles clear of the highway in the interest of traffic safety in accordance with Policies GDP1 and T8 of the Wrexham Unitary Development Plan.
5. 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

The permission hereby granted does not authorise encroachment upon, or interference with, the adjoining property.

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 292050.

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

REPORT OF THE CHIEF OFFICER PLANNING AND REGULATORY – 6TH DECEMBER

2021

contacting Environmental Health and Housing Standards at:
healthandhousing@wrexham.gov.uk or 01978 292040. Please use the same
contact details for any other enquiries regarding construction / demolition site
noise.
