

Supplementary Planning Guidance Note

Space Around Dwellings



Draft Supplementary Planning Guidance Space Around Dwellings

1. Purpose

- 1.1 The Council has set out in its Local Development Plan (LDP) an intention to prepare a series of Supplementary Planning Guidance Notes (SPG). The purpose of each SPG is to:
- assist the preparation of planning proposals and guide pre-application discussions,
 - guide officers in handling, and officers and councillors in deciding, planning applications,
 - assist Inspectors in the determination of appeals,
 - improve the quality of new development,
 - facilitate a consistent and transparent approach to decision making.

2. The LDP and the need for SPG

- 2.1 The Welsh Government Development Management Manual advises in para 9.1.2 that 'Applications for planning permission must be determined in accordance with the approved or adopted development plan for the area, unless material considerations indicate otherwise'. The Flintshire LDP was adopted on 24/01/23 and forms the basis for decision making alongside Future Wales: The National Plan. However, the LDP cannot provide all the detailed advice needed to guide development proposals. SPG's can support the LDP by providing more detailed guidance on topics and issues to help the interpretation and implementation of policies and proposals. The Development Plans Manual Ed. 3 advises that 'Supplementary Planning Guidance (SPG) can be taken into account as a material planning consideration provided it is derived from and is consistent with the adopted development plan and has itself been the subject of consultation, which will carry more weight'. The intention of SPG's is not to set out 'policy' as that is the role of the LDP, but to provide more detailed advice and guidance which expands on a particular policy or allocation in the LDP.

3. Status / Preparation Process

- 3.1 The Council indicated in its Delivery Agreement (DA) for the LDP that it intends to prepare SPG. The DA explained that the Council will consult on any draft SPG and, following consideration of representations, and any necessary amendments, seek formal adoption. This approach accords with Welsh Government advice in Development Plans Manual (Edition 3).
- 3.2 This SPG was consulted on for a 6-week period commencing on XX/XX/XX and ending on XX/XX/XX. Representations and responses, together with any amendments to the draft document were considered by Cabinet at its meeting on ZZ/ZZ/ZZ who resolved to adopt this SPG. Consultation comments, responses and any amendments are set out in Appendix 1. This document should therefore be afforded considerable weight as a material planning consideration.

4 Introduction

- 4.1 This SPG gives guidance in relation to space around dwellings. It applies to proposals for the construction of new houses, the conversion of non-residential buildings to dwellings, HMO developments where the proposal involves an extension and the extension of an existing dwelling. The note constitutes a material consideration when the Council is determining relevant planning applications.

It is important in the national context to make the most efficient use of land, and this is reflected in Flintshire's planning policies. Equally, however, residents and their neighbours are entitled to reasonable living conditions in terms of degree of space, privacy, and daylight around their homes. This SPG sets out the guidelines which Flintshire County Council considers necessary to protect the living conditions of the occupiers of new developments and the residents of existing properties affected by nearby new proposals. This guidance relates to all dwellings of up to two storeys and the council would consider anything over 5m as a two-storey building. The council would evaluate development over two storeys with closer scrutiny due to the greater potential in impacts that may arise. Proposals for taller buildings, or for dwellings where outdoor amenity space is provided on a communal basis, will be considered on their merits, but the guidance provided within this SPG should be given consideration as it has been drawn up to ensure that any new residential development or extension/alterations achieve a good standard of living conditions.

5 Policy

- 5.1 When considering applications for new housing, Planning Policy Wales 12 (Paragraph 3.7) states that "Developments should seek to maximise energy efficiency and the efficient use of other resources (including land), maximise sustainable movement, minimise the use of non-renewable resources, encourage decarbonisation and prevent the generation of waste and pollution. An integrated and flexible approach to design, including early decisions regarding location, density, layout, built form, the choice of materials, the adaptability of buildings and site treatment will be an appropriate way of contributing to resilient development". The Council's approach is set out in the LDP Policy HN2, which states that new housing development should aim to provide a density of at least 30 dwellings per hectare and incorporate a mix of dwellings by type and size in order to make the most efficient use of available land and to meet the needs of residents for a range of house types thereby creating mixed and socially inclusive communities.
- 5.2 Policy PC2 General Requirements for Development sets out in criteria b) that new development must not have a significant adverse impact on the living conditions of nearby residents. Policy PC3 Design, criteria a) states that new

development should respect the site and surroundings and in criteria e) that development ensures space around dwellings and amenity space. The policies recognise that land is a finite resource which should be developed carefully, therefore the intention is of higher density developments to ensure land is used most efficiently. The objectives of good design are important in order to achieve a higher density whilst still retaining the standards of space around dwellings.

6 Design

6.1 Design should be a fundamental consideration from the outset of a proposed development, as a well thought out and collaborative design is more likely to be successful. Whilst this SPG does not seek to be a comprehensive guide to design, as there is comprehensive guidance in PPW and TAN12, it does seek to ensure that the design process for a new development ensures that living conditions are retained.

6.2 Design considerations

Appraising site context is a key element of informing the design process. TAN 15 Design advises that understanding the site and its immediate and wider context is the basis for a meaningful and sustainable design response and is the responsibility of all those involved in the design process, particularly planning applicants and their agents and those formulating and implementing design policy and guidance. Some important guiding principles in relation to this SPG are as follows:

- Scale – considering the scale of development in relation to surroundings, including height, width and length of each building proposed and how the mass and height impacts on privacy, sunlight, and microclimate.
- Amount – ensuring the number of proposed residential units or the floor space for each proposed unit forming the development creates an efficient use of land whilst safeguarding quality of life of the development itself and its surroundings.
- Layout – how the layout and orientation of development ensures it integrates with its surroundings and open spaces.

6.3 Placemaking

The Welsh government recognises the role of placemaking in new developments. PPW12 notes that 'Placemaking considers the context, function and relationships between a development site and its wider surroundings. This will be true for major developments creating new places as well as small developments created within a wider place'. The Council welcomes and encourages innovative design solutions to housing development at all scales. The provision of guidance in respect of space about dwellings and the protection of living conditions need not result in 'pattern book' residential development and

is not intended to stifle innovative design and placemaking. For more comprehensive guidance on design see TAN 12: Design.

7 Distances between dwellings

To allow a satisfactory degree of privacy and daylight, adequate separation distances between buildings are required. Higher separation distances are needed between windows providing natural light to habitable rooms i.e. living rooms, bedrooms, studies, dining rooms and kitchen diners (halls, landings, passageways, kitchens and utility rooms are not counted as habitable rooms for this purpose).

- In cases where the windows of two facing habitable rooms where direct overlooking is possible a guideline of 22 metres should be applied (Fig 1).
- In cases where a window in a habitable room facing the flank wall (or side elevation) of an adjacent house which is higher than the top of the window a guideline of 12 metres from the wall should be applied (Fig 2).
- Where habitable room windows of a neighbouring property are at an angle of less than 90 degrees to the habitable room windows in new development (i.e. windows not directly opposing), the minimum distance between the opposing windows may be reduced (Fig 3).
- Where adjacent dwellings both have flank walls without windows of habitable rooms, a guideline of 2 metres should be applied (Fig 5)

These standards apply on flat ground.

Where the ground slopes, an increased distance will be required, so that for every one metre difference in height, the distance in the standard is increased by two metres. Developers will be required to indicate on their plans the finished floor level(s) of their building(s) in relation to a fixed datum point, (a reference point or line from which measurements are taken) and, where there are windows on adjacent existing properties, the levels of these properties.

- On sloping ground, for every 1 metre difference in height, the above guidelines are increased by 2 metres. (Fig 4)

Figure 1 Facing habitable rooms.

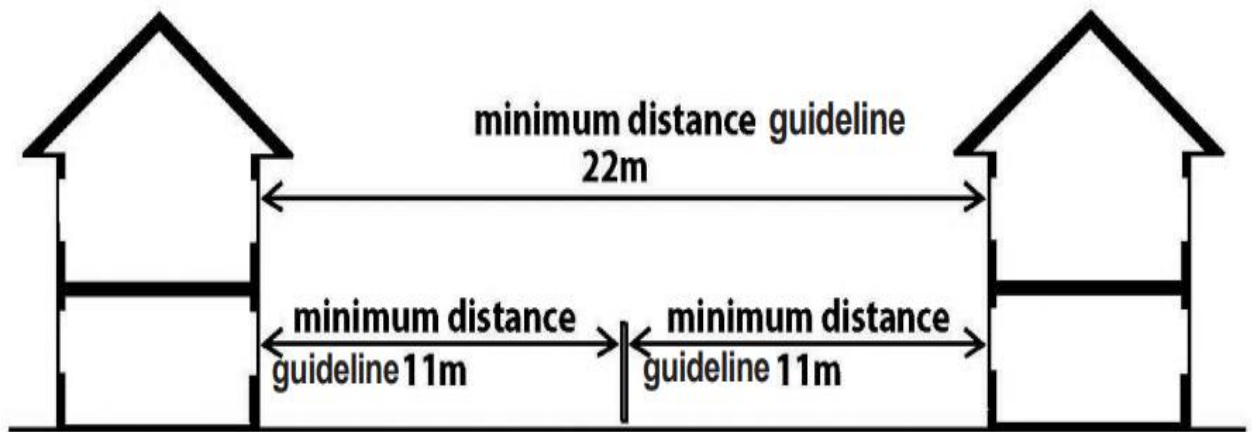


Figure 2 A habitable room facing a flank wall

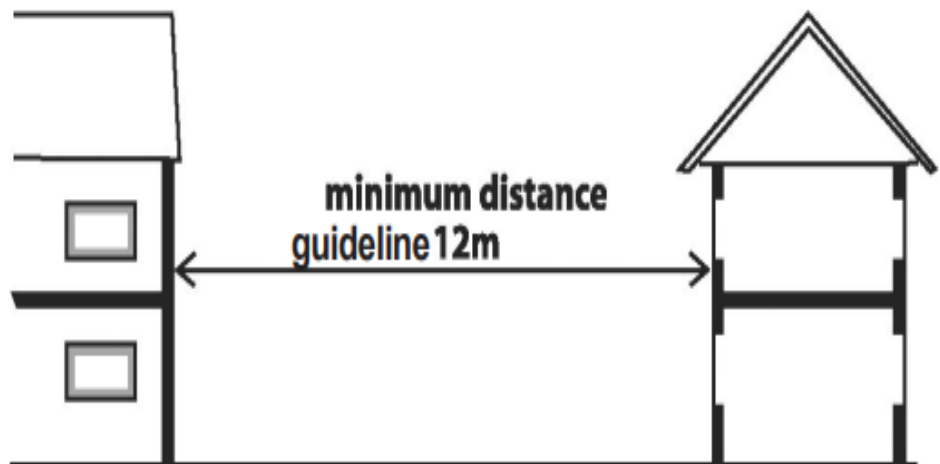
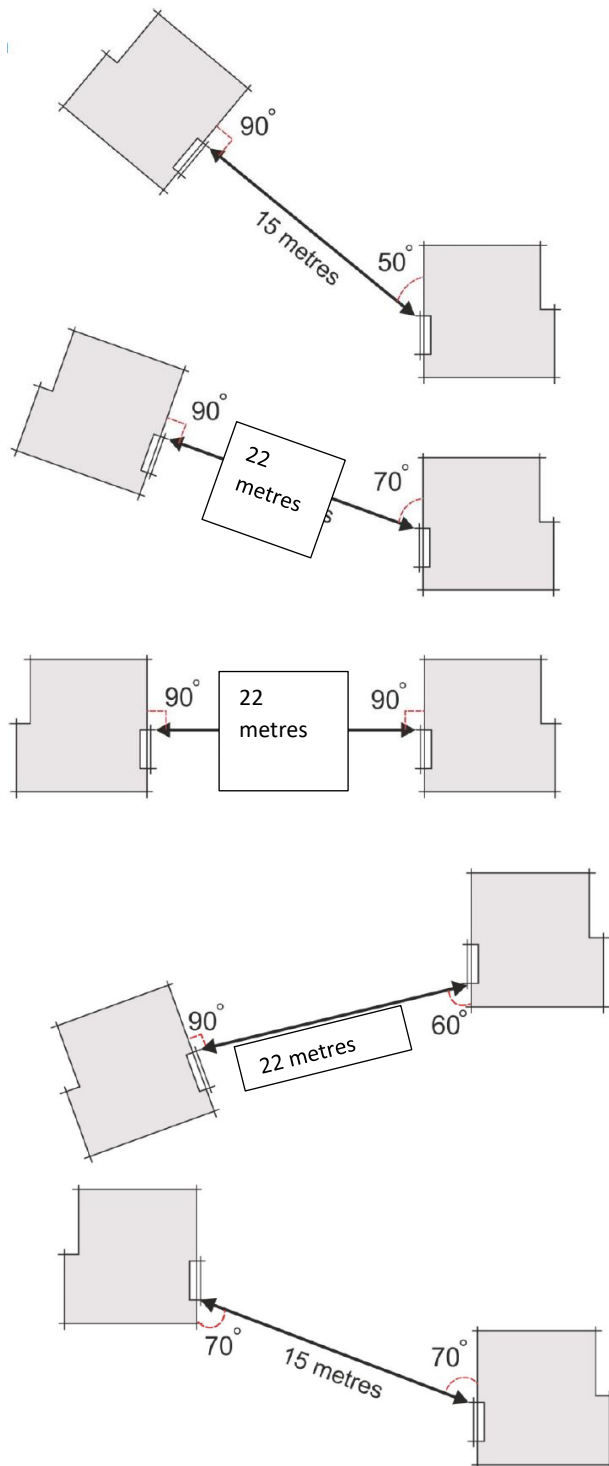
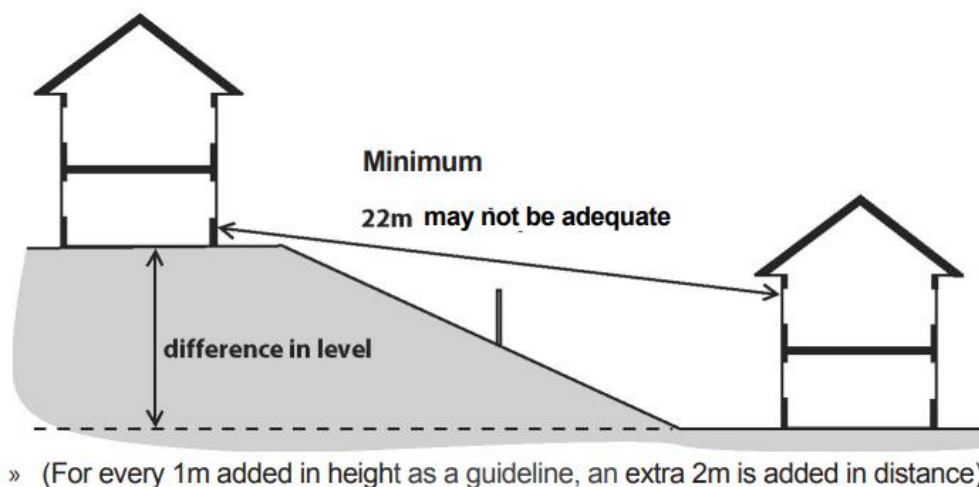


Figure 3: Acceptable distance between opposing habitable windows (metres)



The reduction of distance between principal windows is dependent upon the horizontal angle included between the shortest line joining any part of the principal window.

Figure 4 Facing habitable rooms on sloping ground

In order to properly consider these matters, submitted plans should indicate the finished floor levels of the building and the levels and positions of adjacent existing properties indicating any facing windows. All submitted plans should be detailed and accurate to enable a robust assessment of each proposal in the light of these guidelines.

- On corner plots adjoining road junctions and prominent from two streets, the width of any proposed extension should not exceed half the width of the existing frontage of the property, nor should it exceed half the width of the garden/plot between the property and the adjacent highway.
- Where the curtilage is large enough, dwellings on corner plots should also have at least 4 metres between their flank wall and the back edge of the highway footway, unless the scheme and locality are of special character. In cases of doubt, the Council will be seeking to avoid detriment to the amenity of the area. (Fig 5)

8 Private garden space for dwellings

8.1 Garden space is important for quiet enjoyment, children's play space, drying clothes, and accommodating pets. It will normally be provided at the rear and occasionally to the side of the property for privacy, but front gardens do not normally count towards private garden space. It should be screened from adjoining houses, gardens or public gaze by appropriate walls, fences, or hedges and trees. The proportions of private garden space should be reasonable to allow for play and leisure and allow for sun / day light, rather than being excessively long and narrow or awkwardly shaped.

- For single bedroom dwellings a guideline of 30 square metres should be applied, rising to a guideline of 70 square metres for a three or more bedroom dwelling. (Fig 5)
- For an average, or larger, sized dwelling, a plot depth of 11 metres is a reasonable guideline (Fig 5).

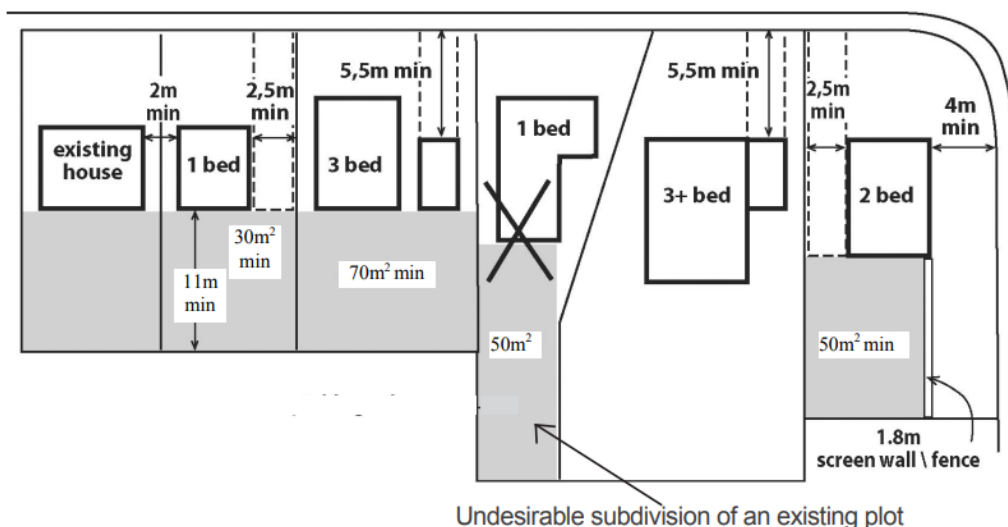
8.2 It is acknowledged that larger plots could allow residents to grow more of their own food, and compost some domestic waste, thus making the development more sustainable. When considering the provision garden areas, they should:

- Be of a usable shape
- Be well-related to key ground floor habitable rooms and external doors, so that children can be supervised, for instance.
- Be designed to avoid overlooking and allow privacy.
- Ensure good use of boundaries such as walls, hedges, or gates, should be retained and properly maintained, especially in conservation areas.

8.3 These guidelines may be varied downwards where a higher density of development is considered desirable for such as in a town centre development or to create variety within a large scheme. Exceptions may also be made in the case of older terraced properties where basic amenities such as kitchens or bathrooms, which cannot be provided satisfactorily within the existing dwelling, can only be accommodated by an extension, resulting in a lower space standard. However, the Council will seek to apply these guidelines in any new housing layout. In some instances, the removal of permitted development rights for extensions would be a condition of the permission to safeguard these standards and residential amenity.

8.4 Where these guidelines cannot be met reasonably, measures to reduce overlooking such as by the erection of screen walls or fences should form part of the scheme, properly thought-out, and incorporated in it.

Figure 5 Garden and driveway distances



In the above diagram the infill dwelling is unacceptable as the awkward plot shape results in inadequate driveway length and a narrow private garden area.

9 Driveways and car parking

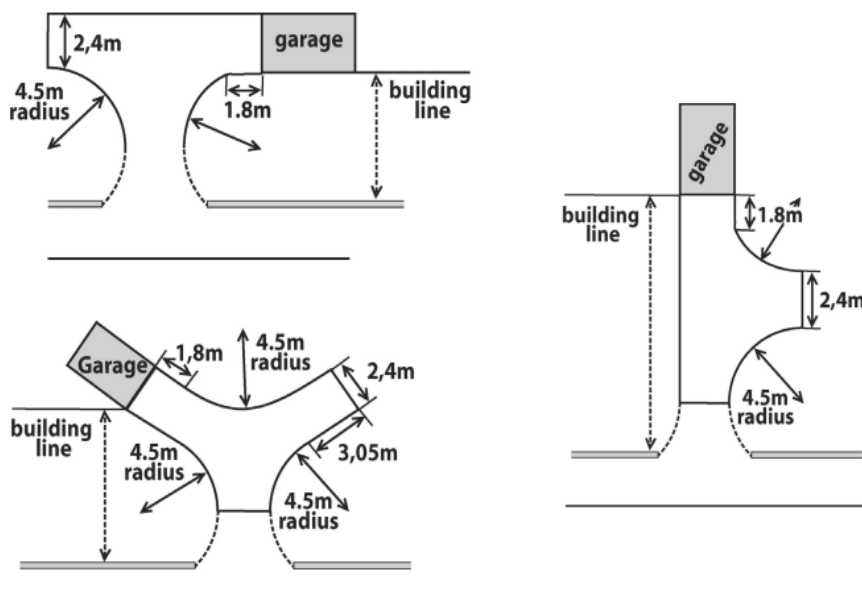
9.1 The SPG ‘Parking Standards’ sets out the Council’s standards in respect of new residential development. The standards are expressed as ‘maximum’ as new development in sustainable locations should be able to function efficiently with lower levels of parking provision, due to opportunities for walking, cycling and public transport. Where new parking is provided as part of new residential development the following principles should be applied:

- It is important in the interests of safety that vehicles parked on residential driveways do not encroach on to the pavement or road. Therefore,
- New driveways should be at least 5.5 metres in length. (Fig 5)
- Garages should be set far enough back from the road to enable the garage door to be opened and closed whilst a car is parked in the driveway.
- Driveways should be no steeper than 1 in 10.
- At least 2.5 metres width should be provided on driveways between house walls and site boundaries, to enable proper opening and closing of car doors, to allow the free and safe passage of pedestrians and those with mobility impairments (Fig 5).
- Planning permission is needed to construct a vehicular or pedestrian access into a residential curtilage from a trunk or other classified road. The main considerations when judging such proposals are highway safety and visual aspects.

- Where it is proposed that existing parking spaces are to be lost because of an extension or other new development, and this would create safety or congestion problems, replacement spaces must be provided, or the proposal will be considered unacceptable.
- To avoid vehicles having to reverse into trunk or other busy classified roads, a vehicle turning space should be provided within the curtilage with the aim of meeting the dimensions shown in Figure 6.
- On other roads which are not busy with traffic, this standard should be relaxed for visual/amenity reasons, to avoid an excess of hard surfaces.
- Careful consideration should be given to the materials used in terms of visual appearance and reducing surface water run-off.
- In cases of new housing development, it is good practice to use soft landscaping in order to break up large swathes of parking to prevent uninterrupted rows of dropped kerb carparking.

Figure 6 Vehicle turning spaces in residential curtilages fronting on to classified roads.

Three possible layouts are illustrated for different configurations of site:



Appendix 1: Key LDP Policy

STR4 Principles of Sustainable Development, Design and Placemaking

To promote and create new sustainable places, all development will be designed to a high standard in line with the sustainable placemaking design principles and should achieve local distinctiveness, be inclusive and accessible, and mitigate and adapt to climate change.

To achieve this, all development should:

- i. Be designed to be adaptable, safe and accessible, to respond to climate change, and for housing, adapt to changing needs over time;**
- ii. Respond to local context and character, respect and enhance the natural, built and historic environment, and be appropriate in scale, density, mix, and layout;**
- iii. Be accessible and connected, allowing ease of movement;**
- iv. Make the best use of land, materials and resources;**
- v. Contribute to the well-being of communities, including safeguarding amenity, the public realm, provision of open space and recreation, landscaping and parking provision of open space and recreation, landscaping and parking provision in residential contexts;**
- vi. Incorporate new, and connect to existing green infrastructure, promoting biodiversity;**
- vii. Incorporate where possible on-site energy efficiency and renewable energy generation;**
- viii. Ensure there is capacity and availability of infrastructure to serve new development;**
- ix. Manage water and waste sustainably;**
- x. Ensure that it supports and sustains the long term well being of the Welsh language.**

STR11: Provision of Sustainable Housing Sites

As part of implementing the Sustainable Settlement Hierarchy, and to ensure that communities have access to sufficient, good quality, affordable housing to meet a range of needs and support economic growth, new housing will be directed to sustainably located, economically viable and deliverable housing sites.

The delivery of new housing on these sites should:

- i. Facilitate the provision of affordable housing relative to local needs and viability;
- ii. Make the most efficient use of land through appropriate density of development;
- iii. Provide balanced developments through a mix of housing units;
- iv. Make provision for specific housing needs, where appropriate, including for example small family and elderly housing, extra care and supported accommodation, live-work units;
- v. Provide or contribute to physical, environmental and social infrastructure necessary to integrate new development into communities;
- vi. Ensure in rural areas, that genuine and proportionate needs for housing are met in a sustainable manner.

HN2: Density and Mix of Development

New housing development should aim to provide a density of at least 30 dwellings per hectare and incorporate a mix of dwellings by type and size in order to make the most efficient use of available land and to meet the needs of residents for a range of house types thereby creating mixed and socially inclusive communities. A lower density of development will only be permitted where:

- a. site constraints prevent the minimum density from being achieved
- b. the minimum density would harm the character and appearance of the sites surroundings

In all cases, housing developments should use high quality design principles to maximise the density of development without compromising the quality of the living conditions provided and make adequate provision for privacy and space about dwellings.

Appendix 2: Impacts of Supplementary Planning Guidance Notes on the Welsh Language

The Flintshire Local Development Plan (LDP) was adopted on 24/01/23. An Examination of the Plan took place between 2021 and 2022 and the binding Inspectors Report received on 15/12/22. The adopted LDP now represents the adopted statutory Local Development Plan for the County and should be read alongside Future Wales: The National Plan. The Plan has been prepared in the context of Planning Policy Wales 11 and Development Plans Manual 3. The Plan covers the 15 year period ending on 31/03/30.

An Integrated Impact Assessment was carried out as part of the LDP at the Preferred Strategy stage in 2017, this was updated in 2019 for the plans Examination in Public and in 2023 when the plan was adopted. All the policies in the plan were assessed and impacts on the Welsh Language were considered.

See this link to the IIA 2023:-

<https://www.flintshire.gov.uk/en/PDFFiles/Planning/Examination-Library-Documents/Final-Sustainability-Appraisal-Report.pdf>

As part of the Deposit LDP a consultant was employed to carry out further work to consider the Welsh Language in Flintshire. Subsequently the Background Paper No 12 Welsh Language, was produced which addressed the issues and carefully considered the implications of the LDP policies on the Welsh language. The consultant's report is included in the background a paper. <https://www.flintshire.gov.uk/en/PDFFiles/Planning/Evidence-Base-Documents/Background-Papers/LDP-EBD-BP12-Welsh-Language.pdf>

This demonstrates how, as the plan progressed, the Welsh Language was considered. There have also been several opportunities for people to comment on the issue at each engagement and consultation stage as the Plan has progressed. The issue of Welsh Language was not referenced in the Inspectors' Report as being a key issue.

The Council has set out in the LDP an intention to prepare a series of Supplementary Planning Guidance Notes (SPG).

The SPGs do not set out new policy but expand upon and give guidance on the policies in the LDP and as explained above, the impact of those policies on the Welsh Language has already been considered and examined, and the Plan found to be sound. Consultation being carried out at the present time therefore only relates to the supporting information and guidance in the SPG and should not bring about any additional implications for the Welsh Language .

Space around Dwellings

This SPG provides guidance in relation to space around dwellings. It applies to proposals for the construction of new houses, the conversion of non-residential

buildings to dwellings, HMO developments where the proposal involves an extension and the extension of an existing dwelling. This guidance is technical in nature relating to distances between houses, the amount of private garden space for houses and driveway and car parking. It is unlikely to have any impact on Welsh Language in the County.

Positive Impacts, none.

Negative Impacts, none.

Neutral Impacts Totally Neutral impacts

