

APPEALS

The following appeals have been received since my last report to Committee:

APPEAL NO.	CAS-02102-T9M5R1 (1961)
APPLICATION NO.	P/20/729/OUT
APPELLANT	C H KNIGHT & PARTNERS
SUBJECT OF APPEAL	RESIDENTIAL DEVELOPMENT WITH CAR PARKING, LANDSCAPING AND ANCILLARY WORKS LAND TO NORTH & EAST OF CYPRESS GARDENS, PORTHCAWL
PROCEDURE	WRITTEN REPRESENTATIONS
DECISION LEVEL	DELEGATED OFFICER

The application was refused for the following reasons:

1. The proposed development, by reason of its form, siting and scale, constitutes an undesirable and inappropriate form of development outside any existing settlement boundary and in the open countryside that would be prejudicial to the character of the area in which it is intended that the existing uses of land shall remain for the most part undisturbed. As such, the development would be contrary to established national and local planning policies and would set an undesirable precedent for further applications for similar development in this area, contrary to Policies PLA1 and ENV1 of the Bridgend Local Development Plan 2013 and advice contained within Planning Policy Wales 11 (2021).
2. The proposed development, by reason of its siting, scale and layout, would constitute an insensitive and undesirable intrusion of built development into an area of considerable landscape and amenity value to the detriment of the existing character and general levels of visual amenity currently enjoyed in the locality, contrary to policies SP2 and ENV3(9) of the Bridgend Local Development Plan (2013) and advice contained within Technical Advice Note (TAN) 12: Design (2016) and Planning Policy Wales 11 (2021).
3. A satisfactory means of access cannot be provided to serve pedestrian and vehicular traffic generated by the proposed development, contrary to Policies SP2 and SP3 of the adopted Bridgend Local Development Plan (2013).
4. The access, as proposed, would result in un-controlled vehicular reversing and turning movements to and from the highway to the detriment of highway and pedestrian safety, contrary to Policies SP2 and SP3 of the adopted Bridgend Local Development Plan (2013).
5. The proposed additional use of the sub-standard access (Cypress Gardens) will create increased traffic and hazards to the detriment of highway safety, contrary to Policies SP2 and SP3 of the adopted Bridgend Local Development Plan (2013).
6. Insufficient information has been submitted with the planning application to fully assess the likely archaeological impacts of the scheme. As such, the development proposal is considered contrary to Policy SP5 of the Bridgend Local Development Plan (2013) and advice contained within Technical Advice Note (TAN) 24: The Historic Environment (2017) and Planning Policy Wales (2021).

APPEAL NO. ENFORCEMENT NO.	CAS-02104-Z1X1Y3 (1966) ENF/392/21/ACK
APPELLANT	MR WAYNE ISAAC
SUBJECT OF APPEAL	ALLEGED UNAUTHORISED LOG CABIN FOR MIXED USE OF HOLIDAY LET AND PRIVATE USE NANTMWTH FACH FARM, SHWT
PROCEDURE	WRITTEN REPRESENTATIONS
DECISION LEVEL	ENFORCEMENT NOTICE

APPEAL NO. ENFORCEMENT NO.	CAS-02105-X9F1N2 (1967) ENF/392/21/ACK
APPELLANT	MR WAYNE ISAAC
SUBJECT OF APPEAL	UNAUTHORISED TIMBER CABIN - MATERIAL CHANGE OF USE NANTMWTH FACH FARM, SHWT
PROCEDURE	WRITTEN REPRESENTATIONS
DECISION LEVEL	ENFORCEMENT NOTICE

APPEAL NO. APPLICATION NO.	CAS-02106-M5G1L1 (1968) P/21/472/FUL
APPELLANT	MR WAYNE ISAAC
SUBJECT OF APPEAL	RETENTION OF LOG CABIN FOR USE AS A HOLIDAY LET FOR TOURISM PURPOSES AND THE CONSTRUCTION OF A PROPOSED ADJACENT TOILET AND SHOWER BLOCK NANTMWTH FACH FARM, SHWT
PROCEDURE	WRITTEN REPRESENTATIONS
DECISION LEVEL	DELEGATED OFFICER

The application was refused for the following reasons:

1. The proposal, by reason of its design, siting and materials, would be out of keeping with the open nature of the existing countryside having a detrimental visual impact on the landscape character of this rural location contrary to Policy SP2 of the Bridgend Local Development Plan (2013) and advice contained within Technical Advice Note 12: Design (2016), Planning Policy Wales (Edition 11, February 2021) and Future Wales – the National Plan 2040 (Feb 2021).
2. The proposal, by reason of its form and location within the open countryside, represents an unsuitable and unsustainable form of development that is not accessible by a range of different transport modes, with an overreliance on private motor vehicles. Together with the lack of a pedestrian footway, the potential for pedestrian/vehicular conflicts is increased to the detriment

of highway safety contrary to Policies SP2 and SP3 of the Bridgend Local Development Plan (2013), Planning Policy Wales (Edition 11, February 2021) and Future Wales – the National Plan 2040 (Feb 2021).

3. The proposal, by reason of its form and siting, would result in visitors using a narrow lane that is not suitable to serve as the principal means of vehicular access for the proposed development which is detrimental to highway safety and contrary to Policies SP2 and SP3 of the Bridgend Local Development Plan (2013) and advice contained within Technical Advice Note 18 (2007), Planning Policy Wales (Edition 11, February 2021) and Future Wales – the National Plan 2040 (Feb 2021).

APPEAL NO.	CAS-02392-C5M3H6 (1980)
APPLICATION NO.	P/22/505/FUL
APPELLANT	Mr & Mrs R Davies
SUBJECT OF APPEAL	RETENTION OF SHED AND FENCE WITHIN FRONT GARDEN 5 CLEVIS CRESCENT, PORTHCAWL
PROCEDURE	HOUSEHOLDER
DECISION LEVEL	DELEGATED

The application was refused for the following reason:

1. The development, by reason of its nature, siting, scale and design, represents incongruous and prominent additions to the streetscene to the detriment of local visual amenities, contrary to Policy SP2 of the Local Development Plan (2013), Supplementary Planning Guidance Note 02 Householder Development and advice contained within Planning Policy Wales (Edition 11 - 2021).

APPEAL NO.	CAS-02421-S3S7F6 (1981)
APPLICATION NO.	P/22/403/FUL
APPELLANT	MR S KNIPE
SUBJECT OF APPEAL	REMODELLING OF DWELLING – FIRST FLOOR WITH PITCHED ROOF DORMERS & TWO STOREY GLAZED FRONTAGE; ALTERATIONS & EXTENSIONS TO GROUND FLOOR 1 THE WHIMBRELS, PORTHCAWL
PROCEDURE	HOUSEHOLDER
DECISION LEVEL	DELEGATED OFFICER

The application was refused for the following reasons:

1. The proposed development, by reason of its scale, design and form, represents an unacceptable design that would be detrimental to the character and appearance of the host dwellinghouse and the wider street scene, contrary to Policy SP2 of the Local Development Plan (2013), Supplementary Planning Guidance Note 02 Householder Development and advice contained within Planning Policy Wales (Edition 11, February

2021).

2. The proposed development, by reason of its scale, orientation and design, would have an excessively dominating impact on the adjoining property (3, The Whimbrels) resulting in a significant loss of residential amenity through overbearing and overshadowing impact contrary to Policy SP2 of the Local Development Plan (2013), Supplementary Planning Guidance Note 02 Householder Development and Paragraph 2.7 of Planning Policy Wales (Edition 11, February 2021).

The following appeal has been decided since my last report to Committee:

APPEAL NO.	CAS-02095-L3N9F0 (1962)
APPLICATION NO.	P/21/914/FUL
APPELLANT	MR & MRS BEDESHA
SUBJECT OF APPEAL	CONVERSION OF EXISTING GARAGE INTO GAMES ROOM AND BASEMENT CINEMA WITH GLAZED LINK TO THE MAIN DWELLING AND ASSOCIATED WORKS LONGACRE, OLD COACHMANS LANE, COURT COLMAN
PROCEDURE	HOUSEHOLDER
DECISION LEVEL	DELEGATED OFFICER
DECISION	THE INSPECTOR APPOINTED BY THE WELSH MINISTERS TO DETERMINE THIS APPEAL DIRECTED THAT THE APPEAL BE ALLOWED SUBJECT TO CONDITIONS.

A copy of the appeal decision is attached as **APPENDIX A**

RECOMMENDATION

That the report of the Corporate Director Communities be noted.

JANINE NIGHTINGALE
CORPORATE DIRECTOR COMMUNITIES

Background Papers (see application reference number)

Appeal Decision

By I Stevens BA (Hons) MCD MRTPI

an Inspector appointed by the Welsh Ministers

Decision date: 29/12/2022

Appeal reference: CAS-02095-L3N9F0

Site address: Longacre, Old Coachman's Lane, Court Colman, Bridgend, CF32 0HD.

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr and Mrs Bedesha against the decision of Bridgend County Borough Council.
 - The application Ref P/21/914/FUL, dated 17 September 2021, was refused by notice dated 12 July 2022.
 - The development proposed is conversion of existing garage into games room and basement cinema with glazed link to the main dwelling and associated works.
 - A site visit was made by the Inspector on 23 November 2022.
-

Decision

1. The appeal is allowed and planning permission is granted for conversion of existing garage into games room and basement cinema with glazed link to the main dwelling and associated works at Longacre, Old Coachman's Lane, Court Colman, Bridgend, CF32 0HD, in accordance with the terms of the application, Ref P/21/914/FUL, dated 17 September 2021, subject to the conditions set out in the schedule to this decision letter.

Procedural Matter

2. The Council refers to advice in its Supplementary Planning Guidance (SPG) 02 – Householder Development, adopted in December 2008. The guidance was prepared to support policies in an earlier development plan and predates adoption of the current Bridgend Local Development Plan (LDP) in September 2013. However, given the broad thrust of the relevant policy and with no evidence that it has materially changed since, it provides useful guidance related to design matters in householder developments. I have therefore had regard to it in my decision.

Main Issue

3. The main issue is the effect of the proposed development on the character and appearance of Longacre and the surrounding area.

Reasons

4. Longacre is a detached dwelling set within extensive grounds in a rural area north of the M4 motorway. The dwelling combines traditional and contemporary design approaches in its appearance, including stone walls, a slate roof, glazed apexes, rooflights and other openings. It is set back in its plot from the access road. On the approach to the property there are glimpses of the dwelling and other buildings within the site. These include an outbuilding near the entrance that was under construction during my visit, and a double-fronted detached garage which is the subject of this appeal. The garage is located to the side and set in front of the main dwelling. Its design differs from the dwelling, with a flat roof, low height, and utilitarian appearance. The undulating topography of the area and mix of trees and vegetation limit long-distance views of the property. These features also contribute positively to the pleasant rural character of the area.
5. The proposal would convert the garage into a games room at ground-floor level, while excavation works would create a cinema at basement level. The building would link with the dwelling by an L-shaped glazed structure.
6. In planning policy terms, the site is in the countryside, outside of the designated settlement boundaries as set out in the Bridgend Local Development Plan (LDP), adopted in September 2013. Policy ENV1 of the LDP states that development in the countryside may be acceptable where it is necessary for one of several reasons. Criterion 7 refers to the suitable conversion of, and limited extension to, existing structurally sound rural buildings where the development is modest in scale and clearly subordinate to the original structure. Strategic Policy SP2 seeks, amongst other things, for designs to be of the highest quality possible, whilst respecting and enhancing local character and distinctiveness and landscape character. The policy also seeks for designs appropriate in scale, size, and prominence.
7. I recognise that the roof alterations would increase the building's height and there would be a significant increase in floorspace through the excavation works. However, the building would occupy the existing footprint. The dimensions of the converted building would remain much less than the main dwelling, while the form of the pitched roof would be like the dwelling. The roof height would remain below that of the main dwelling by over 1m.
8. The use of materials in the proposal, including stone walls and slate roofs, complement the high-quality appearance of the main dwelling. From the front elevation, the matching window openings further complement the dwelling. The glazed apexes on both ends of the converted building would be a contemporary design solution that add visual interest whilst taking their design cue from the front elevation of the dwelling. The roof lights would be modest in size and would not appear dominant or detract from the simple form of the roof.
9. The glazed link would be a new addition that fills in a void between both buildings. In the context of the appeal site with its expansive grounds and sloping land, its length at approximately 10.8m would not appear significant. Given the position of the dwelling and garage building, the L-shaped form of the glazed link would be partially hidden in front and side views of the property. Indeed, the longest section would only be visible from the rear elevation within the appeal site. The roof height would reach the eaves of the main dwelling and fall below the ridge height of the proposed conversion. The hipped roof design would not appear discordant and would allow for matching roof materials to the more substantive pitched roofs on its adjoining buildings. I note that the large windows would differ from other openings on the buildings. However, the contemporary design approach would not detract from the overall appearance of the property, given the proportionality in scale relative to the amount and positioning of other openings.

10. I am mindful of the advice in the Council's Householder Development SPG that an extension to a house in the countryside should not exceed 25% of the gross residential floor area of the original dwellinghouse. I recognise that another outbuilding is currently being built on site. While I have not been provided with details of the cumulative floorspaces, I recognise that the guide is set out in the SPG as a way of assessing impacts and is not a rulebook. It is generic guidance and the SPG recognises that the circumstances of each proposal will always be important, having regard to the overall objectives of good design. In this instance, the overall design solution does not compete with the adjacent building.
11. I recognise the proposal extends forward of the dwelling and would be visible from the highway. However, by using the existing footprint and with a proportionate height increase it would not appear excessive or dominant relative to the adjacent dwelling, or contrast with its design features. Indeed, the proposed materials would lessen the visual impact and provide continuity that is sympathetic to the character of the dwelling and wider area. Existing screening around the site boundary, together with the undulating landscape, limits wider views of the site with the proposal only visible from the approach along the property boundary to the north.
12. I therefore conclude that the proposed development would not harm the character or appearance of Longacre or the surrounding area, and it would comply with Policies ENV1 and PS2 of the Bridgend LDP. It would also comply with the broad thrust of advice in the Householder Development SPG.

Conditions

13. I have considered the conditions recommended by the Council in the light of advice in Welsh Government Circular 016/2014 'The Use of Planning Conditions for Development Management'. In addition to the standard conditions, the condition to ensure development is only used for purposes ancillary to the main dwelling would give control over the use of the building and is necessary in the interests of safeguarding the character and appearance of the area. I have amended the condition in line with the wording provided in the Circular. A biodiversity enhancement condition is also necessary to ensure the proposal complies with national planning policy.

Conclusion

14. For the reasons given above, and having regard to all other matters raised, the appeal is allowed.
15. In reaching my decision, I have taken into account the requirements of sections 3 and 5 of the Well-Being of Future Generations (Wales) Act 2015. I consider that this decision is in accordance with the Act's sustainable development principle through its contribution towards one or more of the Welsh Ministers' well-being objectives.

I Stevens

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development shall begin no later than five years from the date of this decision.
Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990.
- 2) The development shall be carried out in accordance with the following approved plans:
 - Site location plan – Received in planning 13 October 2021
 - Drawing no. 06 (A) - Proposed extension basement floor plan
 - Drawing no. 09 A – Proposed elevations – (Sheet 01 of 02) Received in planning 8 December 2021
 - Drawing no. 10 A – Proposed elevations – (Sheet 02 of 02) Received in planning 8 December 2021
 - Reason: To ensure that the development is carried out in accordance with the approved plans and drawings submitted with the application.
- 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.
Reason: In the interest of the visual amenity of the area and to ensure the development complies with Policy SP2 of the Brigand Local Development Plan.
- 4) The building shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as Longacre, Old Coachman's Lane, Court Colman, Bridgend, CF32 0HD.
Reason: In the interest of clarity and to ensure compliance with Policies SP2 and ENV1 of the Bridgend Local Development Plan.
- 5) No development shall take place until a scheme for biodiversity enhancement has been submitted to and agreed in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
Reason: Future Wales and Planning Policy Wales (Edition 11, February 2021) requires all development to maintain and enhance biodiversity.