

APPEALS

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

CODE NO. D/16/3158329 (1786)
APPLICATION NO. P/16/506/FUL
APPELLANT PAULA HUGHES
SUBJECT OF APPEAL DETACHED GARAGE: TY NEWYDD FARM, BETTWS
PROCEDURE HOUSEHOLDER
DECISION LEVEL DELEGATED OFFICER

The application was refused for the following reasons:-

1. The proposed development, by reason of its scale and size will result in a significant encroachment of urban built form into the countryside that will not respect the transitional nature of the location between the settlement and the rural area and will, therefore, have a significantly detrimental effect on the character and appearance of the area, contrary to the general objectives of Policies ENV1 and SP2 of the Bridgend Local Development Plan (2013) and advice contained within Planning Policy Wales (ED 8, July 2016).
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CODE NO. A/16/3158624 (1787)
APPLICATION NO. P/15/869/FUL
APPELLANT VALLEYS TO COAST HOUSING
SUBJECT OF APPEAL 16 DWELLINGS, ACCESS, PARKING, LANDSCAPING AND ASSOCIATED WORKS: LAND AT HEOL Y FRENHINES, BRIDGEND
PROCEDURE WRITTEN REPRESENTATIONS
DECISION LEVEL DELEGATED OFFICER

The application was refused for the following reasons:-

1. The proposed development would result in the loss of an identified recreational space that forms an integral part of the design and character of the existing housing estate. The development would therefore be detrimental to the residential amenities currently enjoyed in the locality and is, therefore, contrary to Policies COM7 and SP3 of the Bridgend Local Development Plan 2013.
 2. The proposed development, by reason of its siting, layout and design, would constitute an insensitive and unsympathetic form of residential development that is not in-keeping with the existing settlement pattern and the established layout of properties in the locality. The development would be detrimental to the existing character and general levels of visual amenity currently enjoyed in the locality, and are therefore contrary to Policy SP2 of the Bridgend Local Development Plan (2013) and advice contained within Technical Advice Note (TAN) 12: Design (2016) and Planning Policy Wales (2016).
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CODE NO. A/16/3158287 (1784)
APPLICATION NO. P/15/846/FUL
APPELLANT VALLEYS TO COAST HOUSING
SUBJECT OF APPEAL THREE DWELLINGS, ACCESS, PARKING, LANDSCAPING AND ASSOCIATED WORKS: LAND SOUTH OF ST ILLTYDS ROAD BRIDGEND
PROCEDURE WRITTEN REPRESENTATIONS
DECISION LEVEL DELEGATED OFFICER

The application was refused for the following reasons:-

1. The proposed development, by reason of its siting, layout and design, would constitute an insensitive and unsympathetic form of residential development that is not in-keeping with the existing settlement pattern and the established layout of properties in the locality. The development would be detrimental to the existing character and general levels of visual amenity currently enjoyed in the locality, and is therefore contrary to Policy SP2 of the Bridgend Local Development Plan (2013) and advice contained within Technical Advice Note (TAN) 12: Design 2016) and Planning Policy Wales (2016).
2. The proposed development would result in the loss of an identified recreational space that forms an integral part of the design and character of the existing housing estate. The development would therefore be detrimental to the residential amenities currently enjoyed in the locality and is, therefore, contrary to Policies COM7 and SP3 of the Bridgend Local Development Plan 2013.

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

CODE NO. A/16/3154174 (1775)
APPELLANT MRS A YOUNG
SUBJECT OF APPEAL ONE DWELLING: ADJ TO 14 BLUNDELL AVENUE, PORTHCAWL
PROCEDURE WRITTEN REPRESENTATIONS
DECISION LEVEL DELEGATED OFFICER
DECISION **THE INSPECTOR APPOINTED BY THE WELSH MINISTERS TO DETERMINE THIS APPEAL DIRECTED THAT THE APPEAL BE DISMISSED.**

A copy of this appeal decision is attached as APPENDIX A.

CODE NO. A/16/3155147 (1776)

APPELLANT MR DAVID BOYTER

SUBJECT OF APPEAL ERECTION OF DETACHED BUNGALOW IN GARDEN IN LIEU OF PREVIOUSLY APPROVED GARAGE: GARDEN OF 19 PRIORY GARDENS BRIDGEND

PROCEDURE WRITTEN REPRESENTATIONS

DECISION LEVEL DELEGATED OFFICER

DECISION **THE INSPECTOR APPOINTED BY THE WELSH MINISTERS TO DETERMINE THIS APPEAL DIRECTED THAT THE APPEAL BE DISMISSED.**

A copy of this appeal decision is attached as APPENDIX B.

CODE NO. A/16/3155051 (1777)

APPELLANT MR JAMES MURRANT

SUBJECT OF APPEAL REMOVE DETACHED GARAGE AND REPLACE WITH TWO STOREY GRANNY ANNEXE: 63 EWENNY RAOD BRIDGEND

PROCEDURE WRITTEN REPRESENTATIONS

DECISION LEVEL DELEGATED OFFICER

DECISION **THE INSPECTOR APPOINTED BY THE WELSH MINISTERS TO DETERMINE THIS APPEAL DIRECTED THAT THE APPEAL BE DISMISSED.**

A copy of this appeal decision is attached as APPENDIX C.

CODE NO. A/16/3154814 (1778)

APPELLANT MR RAZUL

SUBJECT OF APPEAL RELAX CONDITION 2 OF P/98/555/FUL TO EXTEND OPENING HOURS UNTIL 12.30AM SUN-WED, 2.30AM THUR, 3.30AM FRI & 4.30AM SAT: 33 MARKET STREET, BRIDGEND

PROCEDURE WRITTEN REPRESENTATIONS

DECISION LEVEL DELEGATED OFFICER

DECISION **THE INSPECTOR APPOINTED BY THE WELSH MINISTERS TO DETERMINE THIS APPEAL DIRECTED THAT THE APPEAL BE DISMISSED.**

A copy of this appeal decision is attached as APPENDIX D.

CODE NO.	A/16/3154814 (1781)
APPELLANT	MR KRISTIAN TRACY
SUBJECT OF APPEAL	PROPOSED LOFT CONVERSION (WORKS TO INCLUDE ERECTION OF FRONT AND SIDE DORMER EXTENSIONS): 9 MARLPIT LANE, PORTHCAWL
PROCEDURE	HOUSEHOLDER
DECISION LEVEL	DELEGATED OFFICER
DECISION	THE INSPECTOR APPOINTED BY THE WELSH MINISTERS TO DETERMINE THIS APPEAL DIRECTED THAT THE APPEAL BE DISMISSED.

A copy of this appeal decision is attached as APPENDIX E.

RECOMMENDATION:

That the report of the Corporate Director Communities be noted.

MARK SHEPHARD
CORPORATE DIRECTOR COMMUNITIES

Background Papers

(see relevant application reference number).

APPENDIX A



The Planning Inspectorate Yr Arolygiaeth Gynllunio

Penderfyniad ar yr Apêl

Ymweliad â safle a wnaed ar 05/10/16

gan Paul Selby BEng (Hons) MSc
MRTPI

Arolygydd a benodir gan Weinidogion Cymru

Dyddiad: 31.10.2016

Appeal Decision

Site visit made on 05/10/16

by Paul Selby BEng (Hons) MSc MRTPI

an Inspector appointed by the Welsh Ministers

Date: 31.10.2016

Appeal Ref: APP/F6915/A/16/3154174

Site address: Land next to 14 Blundell Avenue, Porthcawl CF36 3YY

The Welsh Ministers have transferred the authority to decide this appeal to me as the appointed Inspector.

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mrs Ann Young against the decision of Bridgend County Borough Council.
 - The application Ref P/15/631/OUT, dated 24 September 2015, was refused by notice dated 4 April 2016.
 - The development proposed is one dwelling.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The planning application is submitted in outline with all matters reserved.

Main Issues

3. The main issues in this case are the effect of the proposal on: a) the character and appearance of the area; b) the living conditions of neighbouring occupants, with particular regard to overshadowing and privacy; and c) the quantity of outdoor amenity space for occupants of the proposed dwelling and the neighbouring flat.

Reasons

4. The appeal site lies on Blundell Avenue, within the curtilage of a back-to-back semi-detached property which fronts onto The Green Avenue. The part of the building within the wider landholding forms two flats which are accessed via the side of the property, and which face onto a side amenity space, single storey garage and driveway for the first floor flat. Due east of the appeal site is a terrace of 1920s dwellings with modest front gardens facing onto Blundell Avenue.

Character and appearance

5. The appeal site represents a break in the built fabric between the denser built form of Blundell Avenue and the more spacious layout of The Green Avenue, a street of predominantly semi-detached properties with generous front gardens, many of which,
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due to their size, comfortably accommodate driveways and curtilage parking. Whilst many of the properties on The Green Avenue have been modified or extended, there is a coherent appearance and form which contributes positively to its character. 14 Blundell Avenue has a different design and form to its neighbours to the east, but there is a consistent building line, with the properties being set back from the street by modest front gardens.

6. The open character of the appeal site, bounded by a low wall and hedge, mirrors that of the front garden of 1 The Green Avenue and frames the building as a whole, opening up views of the side hipped roof marked with a tall chimney, which is a feature of the nearby semi-detached houses. I consider that the provision of a dwelling on the site would erode the transition between the two distinct areas of built form and, in reducing the side garden area of No 14, would afford the neighbouring property a cramped visual appearance that would detrimentally affect its character.
7. At the time of my site visit on a weekday afternoon, I saw a substantial number of cars parked on the street, which is perhaps unsurprising given the lack of curtilage parking on Blundell Avenue, the relatively high density of housing on the street and the proximity to the seafront. The Council considers that 4 car parking spaces would need to be accommodated within the appeal site for the adjacent flat and the proposed dwelling. Whilst a lower level of curtilage parking may be appropriate in certain circumstances, the site is located outside the town centre and public transport options in Porthcawl are limited to buses. Future occupants of a dwelling on the appeal site would thus be likely to require the use of a car, and in order to avoid harm to highway safety, some curtilage parking within the appeal site would be necessary to cater for the proposed dwelling and the adjacent first floor flat.
8. Although the modern development opposite the appeal site incorporates off-street parking, houses on the north side of Blundell Avenue have retained their front garden areas. Whilst it might be possible to accommodate parking to the side of the proposed dwelling, I consider that some element of frontage car parking would be necessary. Irrespective of the boundary and surface treatments, this would disrupt the prevailing building line and upset the otherwise uniform appearance of dwellings fronted by gardens on the north side of the street.
9. I consider that the provision of a dwelling on the site would unacceptably reduce the visual separation between the built form of Blundell Avenue and The Green Avenue, and the curtilage car parking would conflict with the prevailing pattern of development within the street. For these reasons, I conclude that the proposal would cause material harm to the character and appearance of the area, contrary to the design objectives of Policy SP2 of the Bridgend Local Development Plan (LDP), Technical Advice Note 12 – Design (TAN 12) and Planning Policy Wales.

Overshadowing and privacy

10. Irrespective of the exact location and design of the proposed dwelling, due to the orientation of the site some overshadowing of the gardens of 3 The Green Avenue and 13 Blundell Avenue would be likely to result. However, the neighbouring garden at No 3 is relatively long and only the far end would be in shadow for any length of time. Overshadowing of the garden at No 13 would be limited in extent and confined to the latter part of the day. I consider that the level of overshadowing caused by the proposal would therefore not be unacceptably harmful.

11. Whilst there is a first floor window at the eastern elevation of No 14, this is glazed, and the flank wall of the neighbouring property of 13 Blundell Avenue is entirely blank. The privacy of occupants within the adjacent dwellings would consequently not be unduly harmed by a dwelling on the site. Given the likely orientation of the appeal proposal, views into the neighbouring garden at No 13 would be substantially oblique and consequently not harmful.
12. Due to the relatively constrained size of the site, the rear and side elevations of the proposal would be close to the property boundary. A two storey dwelling based on the scale parameters indicated by the appellant would in all likelihood require first floor windows at the side or rear elevations. West-facing first floor windows would overlook the garden and side access for the neighbouring flats, but I consider that it would be possible to place windows to avoid direct views into the main amenity space, consequently avoiding any harmful effects. However, given the minimal distances, a first floor window in the rear elevation would directly overlook a substantial area of the garden of 3 The Green Avenue at close range. Even if not serving a habitable room, this would unacceptably increase the level of perceived overlooking within the neighbouring garden. Whilst fixed opening, obscure glazed windows would sufficiently mitigate actual overlooking, these would be unlikely to reduce the level of perceived overlooking, and may harmfully restrict daylight, outlook or ventilation available to future occupants. Consequently, such mitigation measures would be unacceptable.
13. For the above reasons I conclude that the proposal would result in material harm to the living conditions of neighbouring occupants with regard to privacy and overlooking, contrary to the objectives of LDP Policy SP2 to avoid adverse effects on the amenity of neighbouring occupiers. For the same reasons the proposal would also conflict with the aims of the Council's Supplementary Planning Guidance 2 – Householder Development (SPG 2), TAN 12 and Planning Policy Wales.

Quantity of outdoor amenity space

14. The proposal would reduce the amount of external space available to occupants of the first floor flat at 14 Blundell Avenue, but some amenity space would be retained adjacent to the northern boundary of the appellant's landholding. Whilst modest, I consider that its size would be sufficient to provide for the day-to-day external activities associated with a first floor flat, such as sitting out or drying clothes.
15. The Council has raised concerns regarding the size of the rear garden area for the proposed dwelling. The appellant estimates that the space to the rear would amount to over 50 square metres, subject to the exact details of the reserved matters. I consider that the size and form of the plot is such that it would enable the provision of sufficient, functional amenity space for occupants.
16. For the reasons given I conclude that the proposal would provide acceptable outdoor amenity space for existing and future occupants, and in this regard there would be no conflict with LDP Policy SP2 and the Council's SPG 2.

Other Matters

17. I acknowledge that the proposal would result in the provision of a new dwelling within an existing settlement, and would have other potential benefits, including an increased amount of passive surveillance. Nevertheless, these do not outweigh the harm which I have identified based on the documents submitted and from what I saw on my site visit.

18. I have had regard to other matters raised, including the effect of the proposal on the human rights of neighbouring occupants, the accuracy of the submitted plans, accessibility arrangements and concerns regarding surface water drainage. However, as I am dismissing the appeal against the main issues for the reasons given above, I have not pursued these matters further.

Conclusion

19. Whilst I have found that the proposal would provide sufficient outdoor amenity space for neighbouring and future occupants, and would not unacceptably overshadow neighbouring gardens, these factors do not outweigh the harm that would be caused to the character and appearance of the area or the living conditions of occupants of 3 The Green Avenue with regard to privacy. For the above reasons, and taking into account all other matters raised, I conclude that the appeal should be dismissed.

Paul Selby

INSPECTOR

APPENDIX B



The Planning Inspectorate Yr Arolygiaeth Gynllunio

Penderfyniad ar yr Apêl

Ymweliad â safle a wnaed ar 05/10/16

gan Paul Selby BEng (Hons) MSc
MRTPI

Arolygydd a benodir gan Weinidogion Cymru

Dyddiad: 27.10.16

Appeal Decision

Site visit made on 05/10/16

by Paul Selby BEng (Hons) MSc MRTPI

an Inspector appointed by the Welsh Ministers

Date: 27.10.16

Appeal Ref: APP/F6915/A/16/3155147

Site address: 19 Priory Gardens, Bridgend CF31 3LB

The Welsh Ministers have transferred the authority to decide this appeal to me as the appointed Inspector.

- 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 David Boyter against the decision of Bridgend County Borough Council.
 - The application Ref P/15/857/FUL, dated 22 December 2015, was refused by notice dated 5 April 2016.
 - The development proposed is Erection of detached bungalow in garden, in lieu of previously approved garage.
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Decision

1. The appeal is dismissed.

Main Issues

2. These are the effect of the proposal on: a) the living conditions of adjacent occupiers with particular regard to privacy and overlooking; b) the living conditions of occupants of the host property with regard to noise and disturbance; and c) highway safety.

Reasons

3. The appeal site is situated at the end of a cul-de-sac and hosts a two storey dwelling and attached side garage. The plot opens out to the rear, with the garden becoming relatively wide along its boundary with the A48 road. North east of the site are the gardens of two bungalows at 14 and 16 Heronston Lane.

Privacy and overlooking

4. The rear elevation of the proposed dormer bungalow would be at an oblique angle to the northeast property boundary, at a distance of around 2 metres at its nearest point. Views towards the neighbouring gardens and dwellings would be possible from three roof lights serving a bedroom and bathroom in the first floor of the proposed bungalow. Whilst substantial areas of the two neighbouring gardens would be within close proximity of the appeal dwelling, the angle of the roof plane and small size of the roof lights would significantly reduce any actual or perceived overlooking, such
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that there would be no unacceptable reduction in the level of privacy within the adjacent gardens. Similarly, the dwelling at No 16 is sufficient distance from the appeal proposal to avoid any harmful overlooking, and the combination of the angle of the roof slope and obliqueness of views towards ground floor rooms in No 14 would sufficiently mitigate any harmful effects on the privacy of occupants.

5. The first floor of No 14, however, incorporates a small attic bedroom, the window of which would directly face towards the appeal dwelling. Due to the similar levels and minimal distances between the window and roof lights, and notwithstanding the moderately oblique views, the level of privacy available to occupants of No 14 would be substantially and unacceptably reduced by the appeal proposal. Whilst obscure glazed and fixed opening roof lights would mitigate this harm, the roof lights provide an important source of light and ventilation to the bedroom. Other harm to the living conditions of future occupants would therefore be caused and, consequently, this would be an unacceptable solution.
6. Other than the roof lights, the rear bedroom would be served by a narrow window in the north elevation which would extend to floor level. Whilst views towards 14 Heronston Lane would be possible from this window, harmful overlooking would not occur due to the limited width of the window, the oblique angle of the views and the screening provided by trees in the garden of No 14. However, direct views would be possible from this window into a substantial area of the garden of the host property which, given the proximity, would unacceptably reduce the level of privacy within the garden for existing or future occupants. Views towards the host property would also be possible from a first floor dormer window in the west elevation of the proposed bungalow, but these would be substantially oblique and thus no harm would arise.
7. For the above reasons I conclude that overlooking from the proposed dwelling towards the first floor window of 14 Heronston Lane and the garden of the host property would materially harm the privacy of neighbouring occupants, contrary to the objectives of Policy SP2 of the Bridgend Local Development Plan (LDP), which relate to residential standards of amenity. For the same reasons the proposal would conflict with the guidance set out in the Council's Supplementary Planning Guidance 02 – Householder Development (SPG).

Noise and disturbance

8. Vehicular access to the proposed dormer bungalow would be obtained by a driveway situated to the side of the host dwelling. The Council contends that the increased movement of vehicles resulting from the new dwelling would unacceptably impact on the living conditions of occupants of No 19. Whilst I accept that the driveway would be situated in close proximity to doors and windows within the host dwelling, I noted on my site visit that the busy A48 road lies directly behind the appeal site and, as a consequence, the level of ambient noise within the garden and to the rear of No 19 is relatively high. Given this context, any additional noise and disturbance associated with the proposed use would be relatively imperceptible, and certainly secondary to the road noise. Consequently I conclude that the level of noise and disturbance would not be harmful and, in this regard, the proposal would not conflict the objectives of LDP Policy SP2 to avoid adverse effects on amenity.

Highway safety

9. Parking for the appeal dwelling would be situated to the rear of the site, but the proposed access would result in the removal of the existing garage and part of the

current driveway for the host property. The amount of off-street parking for No 19 would therefore reduce from 4 spaces, including the existing garage, to 2 spaces. The Council considers that in order to meet parking guidelines 3 off-street spaces would be required for No 19. However, given the relatively modest size of the host property, I consider that 2 parking spaces would sufficiently cater for the needs of occupants and avoid habitual on-street parking.

10. The proposed parking area for the 2 vehicles would, however, be significantly limited in size. Furthermore, access to the easternmost space would be severely restricted by a boundary wall, such that it would be exceptionally difficult to manoeuvre a vehicle into and out of the space, particularly were a second vehicle parked in a position not blocking the proposed accessway. I consider that the parking area would therefore be insufficient in size for 2 vehicles and would result in routine on-street parking.
11. The Council advises that the adjacent turning head suffers from indiscriminate parking at times, although during the time of my site visit on a weekday afternoon there were few vehicles parked on the street. However, despite this and the low traffic speeds in the cul-de-sac, due to the limited width of the carriageway and constrained dimensions of the turning head, any additional on-street parking generated by the proposal would cause a potentially unsafe obstruction in an area of the street subject to routine vehicle manoeuvres. Consequently I conclude that the proposal would materially harm the safety of highway users, including pedestrians, contrary to the objectives of LDP Policy PLA11 to provide an appropriate level of parking.

Other Matters

12. The appellant has stated that the dwelling would be occupied by his mother, who requires care but wishes to be independently housed. I do not dispute the genuine motivations of the appellant, but I must determine the appeal proposal based on the use for which permission is sought, namely as a principal residential dwelling, and based on the merits of the case. For the reasons given I have concluded that the proposal would unacceptably reduce the level of privacy available to neighbouring occupants and would harm the safety of highway users. Whilst I have had due regard to the benefits that the proposal would afford to the appellant and his mother, this does not outweigh the harm that I have identified.
13. I have had regard to other matters raised, including the effect of the proposal on the character and appearance of the area, the potential impact on views from nearby properties and on the wall of the neighbouring property, potential precedential effects, difficulties of access for construction traffic, and problems with sewerage in the locality. However, as I am dismissing the appeal on the main issues for the reasons given above, I have not pursued these matters further.

Conclusion

14. Whilst I have found that the proposal would not result in unacceptable noise and disturbance or harm the privacy of residents of 16 Heronston Lane, this would not outweigh the harm caused to the privacy of other neighbouring occupants or to the safety of highway users. For the above reasons, and taking into account all other matters raised, I conclude that the appeal should be dismissed.

Paul Selby

INSPECTOR

APPENDIX C



The Planning Inspectorate
Yr Arolygiaeth Gynllunio

Penderfyniad ar yr Apêl

Ymweliad â safle a wnaed ar 05/10/16

gan Paul Selby BEng (Hons) MSc
MRTPI

Arolygydd a benodir gan Weinidogion Cymru

Dyddiad: 24.10.2016

Appeal Decision

Site visit made on 05/10/16

by Paul Selby BEng (Hons) MSc MRTPI

an Inspector appointed by the Welsh Ministers

Date: 24.10.2016

Appeal Ref: APP/F6915/A/16/3155051

Site address: 63 Ewenny Road, Bridgend CF31 3HY

The Welsh Ministers have transferred the authority to decide this appeal to me as the appointed Inspector.

- 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 James Murrant against the decision of Bridgend County Borough Council.
 - The application Ref P/15/839/FUL, dated 15 December 2015, was refused by notice dated 3 May 2016.
 - The development proposed is Remove existing detached garage and replace with a two storey granny annex.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposal on highway safety.

Reasons

3. The appeal site faces Ewenny Road but has a secondary access onto Heronston Lane which serves a garage to the rear, and which is proposed to be replaced with a 3 bedroom, 2 storey detached residential annex. The accessway serving the existing garage is bounded by low brick walls to either side, and lies adjacent to another driveway and garage in the leasehold of the neighbouring property at 11 Priory Road. Immediately north of the access, Heronston Lane is limited to northbound traffic only, and narrows to around 4 metres in width. Fairfield Road has its junction with Heronston Lane immediately south of the access.
 4. Due to the one-way restriction, vehicles pass the access only in a northerly direction. The driveway is angled towards oncoming traffic, but despite this, visibility towards the south is restricted by a low wall, close boarded fence and foliage marking the boundary of 11 Priory Road. I saw on my site visit that, measured 2.4 metres back from the carriageway in the centre of the access point, visibility to the south is significantly limited. Whilst there is some dispute between the parties as to the values which should be used to calculate 'stopping sight distances', there is no doubt that the
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resulting visibility falls substantially below the distance of 40 metres recommended for a street with a speed limit of 30mph in Technical Advice Note 18 – Transport (TAN 18) and the Manual for Streets (MfS).

5. The Council has submitted evidence indicating that, on average, traffic on Heronston Lane travels close to the speed limit. I saw on my site visit that the lane, being relatively straight in the vicinity of the appeal site, facilitates traffic speeds close to the lawful limit. As a consequence, despite there being sufficient space within the site for vehicles to manoeuvre and exit in forward gear, I consider that the visibility splay at the junction of the access point with Heronston Lane falls substantially short of the guidelines set out in TAN 18 and the MfS.
6. These guidelines should, however, be applied with discretion based on the specific circumstances of the case. Clear sightlines towards the access are available from both Heronston Lane and Fairfield Road, and consequently drivers approaching from a distance would have some advance warning of a vehicle 'nosing out' from the driveway. But despite this, due to the boundary treatments the access itself is not readily apparent to oncoming traffic, and thus approaching drivers would have little signal of a potential hazard and would be unlikely to have reduced their speed by the time they were parallel with the driveway. Furthermore, vehicles emerging from Fairfield Road may further divert the attention of oncoming drivers away from the appeal site. Irrespective of the accessway having existed in a similar form for many years with no record of accidents, I consider that the junction is substandard and that there is a significant potential for vehicle conflict.
7. The appeal proposal is described as a granny flat, but as it would be a relatively sizeable detached property, it is not unreasonable to assume that it would generate a level of traffic similar to that of a conventional 3 bedroom dwelling. I saw on my site visit that off-street parking for two vehicles is available to the front of the main dwelling on the appeal site. Although situated on the well-trafficked Eweny Road, safe access to the front parking spaces is facilitated by traffic calming and relatively clear sightlines. Furthermore, the parking spaces are more conveniently located for the main dwelling than the rear driveway and garage, and consequently I consider that the rear access is likely to be little used by vehicles at present. The appeal proposal would thus result in a substantial increase in the use of the substandard rear access, with a consequent material increase in the potential for vehicle conflict. For the reasons given, I therefore conclude that the proposal would unacceptably harm the safety of highway users, contrary to the objectives of policies SP2 and PLA11 of the Bridgend Local Development Plan, TAN 18 and the MfS.

Other Matter

8. I have had regard to two appeal decisions relating to former proposals on the same site (Refs: APP/F6915/A/03/1129028 and APP/F6915/A/13/2193717). Whilst the details of the previous proposals are not before me, from what I could discern little has changed in terms of the access arrangements. Nevertheless, whilst I have come to a similar conclusion to the previous Inspectors, I have determined the appeal based on the merits of the specific case before me.

Conclusion

9. For the reasons given above I conclude that the appeal should be dismissed.

Paul Selby

INSPECTOR

APPENDIX D



The Planning Inspectorate Yr Arolygiaeth Gynllunio

Penderfyniad ar yr Apêl

Ymweliad â safle a wnaed ar 05/10/16

gan Paul Selby BEng (Hons) MSc
MRTPI

Arolygydd a benodir gan Weinidogion Cymru

Dyddiad: 24.10.2016

Appeal Decision

Site visit made on 05/10/16

by Paul Selby BEng (Hons) MSc MRTPI

an Inspector appointed by the Welsh Ministers

Date: 24.10.2016

Appeal Ref: APP/F6915/A/16/3154814

Site address: 33 Market Street, Bridgend CF31 1LJ

The Welsh Ministers have transferred the authority to decide this appeal to me as the appointed Inspector.

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 for the development of land without complying with conditions subject to which a previous planning permission was granted.
 - The appeal is made by Mr Z Rasul against the decision of Bridgend County Borough Council.
 - The application Ref P/16/60/RLX, dated 21 January 2016, was refused by notice dated 14 March 2016.
 - The application sought planning permission for *Change of use from A1 to A3 use for sale of food and drink for consumption on/off premises* without complying with a condition attached to planning permission Ref 98/555/FUL, dated 4 August 1998.
 - The condition in dispute is No 2 which states that: *The use hereby permitted shall not be open to the public between the hours of:- 24.00 Sundays - 07.00 Mondays; 24.00 Mondays- 07.00 Tuesdays; 24.00 Tuesdays – 07.00 Wednesdays; 24.00 Wednesdays – 07.00 Thursdays; 02.30 Fridays – 07.00 Fridays; 02.30 Saturdays – 07.00 Saturdays; 02.30 Sundays - 07.00 Sundays.*
 - The reason given for the condition is: *In the interests of residential amenities.*
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The copy of the original planning permission on my file is incomplete. There is no record of the development for which permission was granted. I take the description of development from the Council officers' report which sets out the planning history of the site, where the development subject of permission 98/555/FUL is described above. The wording of the existing condition I have taken from the appellant's statement. I deal with the appeal on the basis that it is for a continuation of the present use of the premises but without complying with the restrictions on opening hours set out in Condition No 2 of permission 98/555/FUL.
 3. It is alleged that the appeal premises is trading outside of the opening hours currently allowed under the extant planning permission, and on my site visit I saw a sign advertising later opening hours. However, that is a matter for the Council under its enforcement powers and I have not had regard to it.
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Main Issues

4. The main issues are the effect of varying the planning condition on: a) the living conditions of nearby residents, with particular regard to noise and disturbance; and b) public regeneration objectives relating to the town centre.

Reasons

5. The appeal property is located within the Primary Shopping Area of Bridgend Town Centre as designated in the Bridgend Local Development Plan (LDP). A number of other late night uses are located nearby, some of which trade beyond 02.30. A taxi rank is located outside the appeal site, opposite which are three storey buildings fronting onto Market Street. The ground floors of these properties mainly provide secondary access or servicing to retail units fronting Wyndham Street, with upper floors providing residential accommodation.
6. It is proposed to extend the opening hours of the premises by half an hour during the week and between 1 and 2 hours during weekends. Consequently the length of time during which noise could be generated from within the bar and from patrons entering and leaving the premises would be extended into the early morning hours throughout the week and at weekends. During my site visit on a weekday morning the street was relatively quiet, albeit with a level of ambient noise typical of a town centre, but given the wide frontage presented by the appeal premises and relatively enclosed nature of Market Street, the level of external noise and disturbance associated with the bar whilst in operation would have the potential to be significant.
7. The flats opposite face the appeal site at close range. Market Street represents the rear elevation of these buildings, and consequently the units would not benefit from a 'quieter' aspect, given that their front elevations face onto Wyndham Street, a pedestrianised thoroughfare which also hosts night-time uses. Although town centre residents may expect a level of ambient noise, the size and proximity of the appeal premises is such that external noise and disturbance associated with its use would be readily audible within the residential units opposite. Whilst varying the condition would not materially increase the level of noise and disturbance, extending the opening hours of the bar into the early morning hours would materially extend the time during which noise and disturbance from customers entering, leaving the premises or congregating outside would arise. Irrespective of the current levels of occupancy, the proposed extended opening hours would materially harm the living conditions of any existing or future occupants, especially in summer months when windows may be open.
8. Details of the premises licence have been submitted to which I have had regard. The premises licence appears comprehensive, and, whilst the Licensing Act is separate to the planning regime, I am mindful of the advice in Welsh Government Circular 06/2014 'The Use of Planning Conditions for Development Management' (the Circular), which says that conditions should not duplicate other controls unless there are good reasons for doing so. But the Circular also states that conditions may be justified where the alternative control cannot be relied upon to secure planning objectives.
9. The appellant has cited a High Court Judgment¹ which concludes that the regulation of hours of operation for the purposes of controlling public nuisance primarily falls within the ambit of the licensing authority. However, the judgment also recognises that a

¹ Blackwood v Birmingham Magistrates [2006] EWHC 1800

planning authority may, where appropriate, impose conditions to control the operation of licensable uses. In this case, for the reasons given I consider that the proposal would materially harm the living conditions of those living nearby, due to the extended opening hours. This harm would not be altered or acceptably mitigated by the conditions of the premises licence, and consequently I afford it limited weight. Similarly, a temporary permission, as suggested by the appellant, would not alter the fact that the flats could be occupied during the temporary period, and thus would not acceptably mitigate the identified harm.

10. I note that the Council's Environmental Health Officer has not raised any objections regarding the proposal. The Police have raised concerns relating to antisocial behaviour within the Market Street area, and has cited recorded incidents caused by customers of the appeal premises. However, I consider that such matters, which clearly relate to the control of public nuisance, would normally fall within the ambit of the Licensing Authority. Consequently I have afforded them limited weight.
11. I accept that there are other night-time uses nearby which are open well into the early morning, and that the appeal site is located within a town centre where national and local policy promotes the establishment of economic uses. It is clear that the appellant has invested in the property, which appears well presented at its frontage with Market Street. I acknowledge the benefits of the proposal in contributing to the night-time economy and providing additional employment, and do not dispute the appellant's genuine intentions to retain a viable and successful business. Nevertheless, the potential economic and financial benefits of the proposal do not outweigh the identified harm to the living conditions of nearby residents that would be caused by extending the opening hours of the premises into the early morning hours.
12. For the reasons given I conclude that it is necessary to continue to impose the restrictions on opening hours as set out in Condition No 2 of planning permission ref: 98/555/FUL. To allow the extension of these hours would, on the evidence before me, result in harm to the living conditions of adjacent residents and would be contrary to the objectives of Policy SP2 of the LDP to avoid adverse effects on the amenity of neighbouring occupiers.
13. The Council contends that the proposal would have a detrimental impact on the future regeneration of the town centre. I accept that the extended opening hours would harm the amenity of the residential units opposite, and therefore their attractiveness as a place to live. However, the impacts of the proposal would be relatively limited in a spatial sense, and consequently would not, in itself, materially harm the attractiveness of the town centre. In addition, the proposed extended opening hours would have little effect on the strategic site allocation in the LDP of which the appeal site forms part. Given the town centre location, were a mix of uses to be accommodated as part of any future redevelopment, as is envisaged by the Council, new residential units would be likely to be designed to attenuate exterior noise arising from other nearby night-time uses, whether from the appeal site or elsewhere. I therefore conclude that the extended opening hours would not conflict with policies SP1 and PLA2 of the LDP or with national policy, and there would be no prejudice to the delivery of the Bridgend Town Centre Masterplan Framework SPG or the Welsh Government's regeneration framework, 'Vibrant and Viable Places'.

Other Matters

14. I have had regard to a previous appeal decision from 2009 relating to premises at 26 Wyndham Street (Ref: APP/F6915/A/09/2111958). Whilst I have come to a similar

conclusion to the previous Inspector, the circumstances of the site are nonetheless different and I have determined the appeal based on the merits of the case before me.

15. I note that the Council has referred to its 'Hot Food Takeaway Establishments' Supplementary Planning Guidance, but this applies to uses different to the appeal premises. Consequently I have afforded it little weight.

Conclusion

16. Whilst I consider that the proposal would not unacceptably affect the regeneration of the town centre, I have found that it would materially harm the living conditions of existing or future occupants of the residential units opposite. Consequently, for the reasons given above and having regard to all other matters raised, I conclude that the appeal should be dismissed.

Paul Selby

INSPECTOR

APPENDIX E



The Planning Inspectorate
Yr Arolygiaeth Gynllunio

Penderfyniad ar yr Apêl

Ymweliad â safle a wnaed ar 12/10/16

gan **Melissa Hall BA (Hons), BTP, MSc, MRTPI**

Arolygydd a benodir gan Weinidogion Cymru

Dyddiad: 11.11.2016

Appeal Decision

Site visit made on 12/10/16

by **Melissa Hall BA (Hons), BTP, MSc, MRTPI**

an Inspector appointed by the Welsh Ministers

Date: 11.11.2016

Appeal Ref: APP/F6915/D/16/3158465

Site address: 9 Marlpit Lane, Porthcawl CF36 5EG

The Welsh Ministers have transferred the authority to decide this appeal to me as the appointed Inspector.

- 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 Kristian Tracy against the decision of Bridgend County Borough Council.
- The application Ref P/16/448/FUL, dated 1 June 2016, was refused by notice dated 1 August 2016.
- The development proposed is described as '*Proposed loft conversion (works to include erection of front and side dormer extensions)*'.

Decision

1. The appeal is dismissed.

Preliminary Matters

2. As I understand it, the Council has confirmed that the side dormer extension falls within Schedule 2, Part 1, Class B of the Town and Country Planning (General Permitted Development) (Amendment) (Wales) Order 2013, and that this element of the scheme could be constructed without obtaining planning permission. It is therefore the front dormer with which the Council takes issue.

Main Issue

3. This is the effect of the proposed front dormer extension on the character and appearance of the surrounding area.

Reasons

4. The appeal dwelling is one of a pair of semi-detached properties situated within the built form along one side of Marlpit Lane. I observed that the dwellings in the vicinity comprise a mix of design, form and external appearance and include two storey and single storey dwellings with and without dormers.
 5. Nevertheless, the dwellings to which the appeal property most closely relates are pairs of two storey, hipped roof dwellings of simple form and design with front gable
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features and bay windows. Whilst some have been altered and /or extended, they retain a degree of uniformity and a fairly traditional appearance.

6. I do not dispute that the proposed front dormer extension would be centred over the bay window in the same position as the existing pitched gable feature and would be set below the ridgeline of the main roof of the dwelling. However, when compared with the existing gable feature, the proposed front dormer extension would be significantly taller and would extend from the first floor bay window, through the entire depth of the front roof plane to the ridge of the main roof. The effect of this is that it would appear much less subordinate on the principal front elevation than the modest gable feature it would replace. The glazed apex, together with the balustrade and glass panels enclosing a recessed balcony, would do little to minimise this impact. The design would also include dormer cheeks either side of the recessed glazed section which would add to its bulky appearance.
7. Consequently, the front dormer extension would be a dominant feature that would be out of proportion with the modestly sized and otherwise simple roof form. Whilst I accept the appellant's contention that the opposite side of Marlpit Lane is undeveloped with open countryside beyond, the extension would nonetheless be visually prominent when viewed from the highway along Marlpit Lane. The extension would thus be viewed as an oversized and clumsy addition to the roof, which would also unbalance the symmetry of the otherwise unaltered front roof planes of the pair of semi-detached properties.
8. In the context that I have described, I find that it would be an unsympathetic form of development which would have an adverse effect on the host dwelling, the pair of semi-detached properties and the character and appearance of the surrounding area. It would therefore conflict with Policy SP2 of the adopted Bridgend Local Development Plan 2013 which *inter alia* requires new development to be of an appropriate scale, size and prominence and to respect local character. It would also be at odds with Supplementary Planning Guidance Note 2: '*Householder Development*' which requires dormer extensions to be sympathetic to the existing house and Technical Advice Note 12: '*Design*' which states that design which is inappropriate in its context, or which fails to grasp opportunities to enhance the character of an area, should not be accepted.

Other Matters

9. My attention has been drawn to other front and side dormers in the surrounding area. I do not know the full circumstances of the cases cited. However, some relate to detached dwellings of a different design and appearance to that which is before me. Others serve to reinforce the concern I have regarding the effect of such development on the host dwellings and do not justify what is otherwise an unacceptable form of development. In any event, each proposal must be considered on its own merits.
10. I acknowledge that neither neighbouring residents nor the town council objected to the proposal and that the development is considered to be acceptable in highway safety terms. Be that as it may, these matters do not outweigh the harm to the character and appearance of the area.
11. The appellant has referred to discussions with the Council regarding the re-siting of the front dormer to the rear roof plane. However, such a change does not form part of the appeal before me. It is for the Council in the first instance to advise on the acceptability of an alternative proposal.

Conclusion

12. For the reasons I have given, and having regard to all matters raised, the appeal is dismissed.

Melissa Hall

Inspector