

APPEALS

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

CODE NO.	A/16/3164893 (1790)
APPLICATION NO.	P/16/502/OUT
APPELLANT	LUCY MORRIS
SUBJECT OF APPEAL	DEMOLITION OF EXISTING SINGLE GARAGE AND CONSTRUCTION OF A NEW 3 BEDROOM DETACHED PROPERTY [REVISED PARKING]: REAR OF 23 NOTTAGE MEAD PORTHCAWL
PROCEDURE	WRITTEN REPS
DECISION LEVEL	OFFICER DELEGATED

The application was refused for the following reason:-

1. The proposed development, by reason of its scale and siting, would result in a cramped form of development that would have a detrimental impact on both the host dwelling and the visual amenities of the wider street scene and the site is too restricted to permit the construction of a dwelling of a size and design that would reflect the character of adjoining properties, contrary to Policy SP2 and COM3 of the Bridgend Local Development (2013) Plan and advice contained in Planning Policy Wales (Ed. 8 2016).

CODE NO.	A/16/3164970 (1791)
APPLICATION NO.	P/16/692/OUT
APPELLANT	ELAINE GROVES
SUBJECT OF APPEAL	CONSTRUCT A PAIR OF SEMI-DETACHED HOUSES 8 GLANNANT ROW BETTWS
PROCEDURE	WRITTEN REPS
DECISION LEVEL	OFFICER DELEGATED

The application was refused for the following reasons:-

1. The proposal, by reason of its countryside location, constitutes a visually harmful, unjustified and inappropriate form of development outside of the defined settlement boundary, which would detract from the site's rural appearance and the character of the surrounding countryside. The proposal is therefore contrary to Policies PLA1 and ENV1 of the Bridgend Local Development Plan (2013) and advice contained within Planning Policy Wales (Edition 8, January 2016) and Technical Advice Notes 6 and 12.
2. The proposed development is situated in a remote, unsustainable location that is not accessible by a range of different transport modes and will rely on the use of private motor vehicles. The proposal is therefore contrary to policy SP2(6) of the Bridgend Local Development Plan (2013) and advice contained within Planning Policy Wales (Edition 8, January 2016).
3. The proposed development would generate pedestrian movements along Glannant Row towards the A4063 where there is no pedestrian footway generating a risk of pedestrian / vehicular conflict

to the detriment of highway safety, contrary to Policy SP2 (11) of the Bridgend Local Development Plan (2013) and advice contained within Planning Policy Wales (Edition 8, January 2016).

CODE NO. A/16/3165452 (1792)
APPLICATION NO. P/16/171/FUL
APPELLANT MR ANTHONY SMITH
SUBJECT OF APPEAL DETACHED DWELLING
LAND ADJ TO OLD POLICE STATION, BETHANIA ROW, OGMORE
VALE
PROCEDURE WRITTEN REPS
DECISION LEVEL OFFICER DELEGATED

The application was refused for the following reasons:-

1. The proposed development by virtue of its scale and design would dominate adjoining property to an unacceptable degree thereby resulting in a significant loss of residential amenity contrary to Policy SP2 of the Bridgend Local Development Plan.
2. The proposal constitutes over-development as the site would restrict the space around the host dwelling, The Old Police Station thereby reducing to an unacceptable level, the amenities of occupiers contrary to Policy SP2 of the Bridgend Local Development Plan.
3. There is insufficient space available within the curtilage of the site to provide vehicle parking facilities to meet the requirements of the Local Planning Authority and the proposal would lead to on-street parking to the detriment of highway safety, contrary to Policy SP2 of the Bridgend Local Development Plan and Supplementary Planning Guidance 17 Parking Standards.

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

CODE NO. X/16/3156490 (1780)
APPELLANT CATHERINE CURTIS
SUBJECT OF APPEAL CHILDMINDING BUSINESS FROM HOME WITH A MAXIMUM OF 10
CHILDREN: VALE VIEW, HILLCREST, PENYFAI
PROCEDURE WRITTEN REPS
DECISION LEVEL OFFICER DELEGATED
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/16/3158287 (1783)
APPLICATION NO. P/15/844/FUL
APPELLANT VALLEYS TO COAST HOUSING
SUBJECT OF APPEAL TEN DWELLINGS, ACCESS, PARKING, LANDSCAPING AND ASSOCIATED WORKS: LAND SOUTH OF ST ILLTYDS ROAD, 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/16/3158287 (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
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/16/3164386 (1789)
APPLICATION NO. P/16/630/OUT
APPELLANT MR G MORRIS
SUBJECT OF APPEAL 2 SELF CATERING SINGLE STOREY LOG CABIN HOLIDAY LET UNITS: FORMER PLAYGROUND SITE, FOUNTAIN ROAD, ABERKENFIG
PROCEDURE WRITTEN REPRESENTATIONS
DECISION LEVEL DELEGATED OFFICER

This appeal has been withdrawn.

REVIEW OF OLD MINERAL PLANNING CONSENTS (ROMP) CORNELLY QUARRIES

These applications were called in for decision by the (now) Minister for Environment, Sustainability and Housing, one of the Welsh Ministers, under paragraph 13 of Schedule 13 of the Environment Act 1995.

The applications were to determine a scheme of conditions to which the mineral permission for the site was to be subject and the matter on which the Welsh Ministers particularly wished to be informed for the purpose of consideration of the applications was the effect of the proposed quarrying operations on the water environment, including the potential for significant effect on the Kenfig Special Area of Conservation.

The Inquiry sat for 3 days on 10-12 November 2015 and the Inspector recommended that the scheme of conditions, as amended and agreed, be approved. This recommendation has been endorsed by the Cabinet Secretary for Environment and Rural Affairs

The decision (83 pages) is not attached but can be made available for Members, if required, by email.

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 08/11/16

gan Aidan McCooey BA MSc MRTPI

Arolygydd a benodir gan Weinidogion Cymru

Dyddiad: 14.12.2016

Appeal Decision

Site visit made on 08/11/16

by Aidan McCooey BA MSc MRTPI

an Inspector appointed by the Welsh Ministers

Date: 14.12.2016

Appeal Ref: APP/F6915/X/16/3156490

Site address: Vale View, Hillcrest, Pen-y-Fai, Bridgend, CF31 4NL

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

- The appeal is made under section 195 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991 against a refusal to grant a certificate of lawful use or development (LDC).
- The appeal is made by Mrs Catherine Curtis against the decision of Bridgend County Borough Council.
- The application Ref P/16/551/LAP, dated 11 July 2016, was refused by notice dated 12 August 2016.
- The application was made under section 192(1)(a) of the Town and Country Planning Act 1990 as amended.
- The use for which a certificate of lawful use or development is sought is a child-minding business from home with a maximum of 10 children.

Decision

1. The appeal is dismissed.

Procedural Matter

2. The appeal form specifies the appellant wishes to apply for child-minding from her home for a maximum of 10 children; this number includes her own two children. The application was for a proposed use. The Council supplied evidence that the business is actually operating from the premises already. The appellant confirmed that the business is operating but at a lower level with a maximum of 6 children. She considers that this level would not require planning permission and therefore deems the application to be for a proposed use. I make no comment on that proposition. The Local Planning Authority did not address this issue any further when invited to do so. The Council merely advised that the use had not been in existence for 10 years as required to claim immunity from enforcement action. I shall consider the appeal on the basis of the proposed use as described in the application.

Main Issue

3. The main issue is whether the decision not to grant a LDC was well-founded because the proposed use as described in the application would require planning permission.
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Reasons

4. The appellant describes her intended use on the appeal form, as quoted above. It is this use as described that must be considered. The appellant also describes how she intends to operate. She intends to collect children from home and take them to school, whilst minding several children at home all day. The school-going children would then be collected and remain in her house until around 17:00 when she would take them home again. I appreciate that this use as described would not generate additional traffic or out of hours use.
5. However, this is what is envisaged at the moment. The business may not actually operate in this manner. It is inevitably going to be subject to change as children leave and new customers take their place. Different parents may wish to drop off and collect their children and hours may be extended depending on parents work patterns. The level of activity may increase as the application is for up to 10 children and it cannot be limited to the appellant's own children. Other occasional unforeseen circumstances could arise necessitating additional trips. There is also the question of activity around the dwelling during the school holidays. None of these matters could be controlled.
6. A nearby resident has referred to some disruption caused by visitors to the property already. The appellant confirmed that at the time this letter was written she had not commenced any child-minding. The vehicles in question can therefore only have been family and friends calling to visit. There is no issue with parking as the appellant states that there are 7 car parking spaces available.
7. I appreciate that there are families with a large number of children. However, there is a difference between a dwelling and a business such as the appeal proposal; not least in terms of traffic generation and noise or disturbance. I must consider the application as submitted and on that basis, I judge that this level of child-minding could generate additional traffic and noise or disturbance. The proposed business is likely to change the overall character of the dwelling such that a material change of use would occur. In these circumstances planning permission would be required.

Conclusion

8. For the reasons given above and having considered all the matters raised, I conclude that the decision not to grant a LDC for the proposed use was well founded and I dismiss the appeal.

A L McCooey

Inspector

Appendix B



The Planning Inspectorate
Yr Arolygiaeth Gynllunio

Penderfyniad ar yr Apêl

Ymweliad â safle a wnaed ar 29/11/16

**gan Paul Selby BEng (Hons) MSc
MRTPI**

Arolygydd a benodir gan Weinidogion Cymru

Dyddiad: 06.01.2017

Appeal Decision

Site visit made on 29/11/16

by Paul Selby BEng (Hons) MSc MRTPI

an Inspector appointed by the Welsh Ministers

Date: 06.01.2017

Appeal A Ref: APP/F6915/A/16/3158287

Site address: Land to the south of St Illtyd's Road, Cefn Glas, Bridgend

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 Valleys to Coast Housing Association against the decision of Bridgend County Borough Council.
 - The application Ref P/15/844/FUL, dated 18 December 2015, was refused by notice dated 22 April 2016.
 - The development proposed is Erection of 10 dwellings, access, parking, landscaping and associated works.
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Appeal B Ref: APP/F6915/A/16/3158294

Site address: Land to the south of St Illtyd's Road, Cefn Glas, Bridgend

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 Valleys to Coast Housing Association against the decision of Bridgend County Borough Council.
 - The application Ref P/15/846/FUL, dated 17 December 2015, was refused by notice dated 22 April 2016.
 - The development proposed is Erection of 3 dwellings, access, parking, landscaping and associated works.
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Decisions

Appeal A

1. The appeal is dismissed.

Appeal B

2. The appeal is dismissed.
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Procedural Matter

3. Amended plans have been submitted with both appeals, but the amendments represent a material change to the schemes that were considered by the Council. Determining the two appeals on the basis of these amended plans would prejudice the interests of local representatives and I have not therefore considered them.

Main Issues

4. The main issues are the effect of the proposal on: a) the provision of open space; and b) the character and appearance of the area.

Reasons

5. Both appeals relate to rectangular tracts of mainly mown grassland fronting St Illtyd's Road, a residential street traversing a modern housing estate. Whilst there is some variety in styles and types of houses in the wider area, the immediate context is of semi-detached dwellings framed by front and side gardens, and which face onto the roadways bounding both appeal sites. A number of the adjacent dwellings have landscaped front boundaries, and these and the trees and substantial grassed areas nearby afford the estate a spacious character.

Open space

6. The Appeal A site was recently used as a compound whilst works were undertaken to nearby dwellings and the Appeal B site hosts a bus shelter. Despite the slightly sloping ground and their location adjacent to a through-route, both sites would lend themselves well to informal recreation, and are thereby of potential benefit to the health and wellbeing of nearby residents. Although the sites are not specifically designated by the Bridgend Local Development Plan (LDP), the appeal schemes would lead to a significant reduction in open space on the estate and I am acutely aware of the strength of local feeling in relation to their proposed loss.
7. In response to the Council's view that the reduction in open space has not been sufficiently justified and would exacerbate an existing deficit of over 9,500 hectares of play space in this part of Bridgend, the appellant has submitted an additional Open Space Assessment to evaluate provision of Local Areas of Play and Local Equipped Areas of Play in accordance with Fields in Trust (FIT) standards. This concludes that there is sufficient quantity and quality of open space within the walking catchment of the two sites. Notwithstanding the Council's view that the sites were identified in its Children's Play Space Audit 2010 and both should thus be afforded protection via the LDP, I saw on my site visit that other grassed areas are available nearby which offer alternatives for play and recreation. In addition, whilst lacking passive surveillance, a children's playground lies in close proximity to both sites.
8. Notwithstanding this, planning permission for the improvement of two nearby areas of open space fronting St Illtyd's Road has been secured (Refs: P/15/849/FUL and P/15/852/FUL), which the appellant intends to implement in tandem with the appeal schemes. From the submitted plans these improvements appear to be geared towards the provision of car parking, landscaping and tree planting. It seems to me that such improvements would substantially limit opportunities for active outdoor recreation on the two sites. Whilst other open spaces at the junction of St David's Road and St Winifred's Road and at Wordsworth Avenue would remain, the combined effect of the appeal schemes and extant planning permissions would substantially reduce opportunities for outdoor sport and play in the immediate vicinity.

9. Although the additional Open Space Assessment concludes that there is an overprovision of open space within walking distance and the two permitted improvement schemes would yield 'enhancive effects', it is somewhat silent on the effect of the cumulative loss of recreation space from all four sites. Whilst the detailed landscaping for the two permitted schemes could be adjusted, there is no guarantee of their recreation potential being retained. In the absence of evidence to the contrary, I consider that the appeal proposals, in combination with the extant permissions, would unacceptably reduce the quantity of local recreational space, and this would not be outweighed by the potential biodiversity and visual amenity benefits which may result from the permitted improvements.
10. In relation to the Appeal A scheme the appellant has submitted a Unilateral Undertaking (UU) legal agreement which includes a financial contribution towards outdoor sport and play space. I consider that such a contribution would be directly related to the development and reasonably related in scale and kind. The appellant has indicated a willingness to complete a similar UU for the Appeal B site, but none has been submitted.
11. Whilst I attach significant weight to the UU for the Appeal A scheme, it would not outweigh the cumulative harm resulting from the physical loss of, and reduction in access to, open space for sport and recreation in the local vicinity that would arise from both schemes and the extant permissions. For the above reasons I conclude that the appeal proposals would not accord with the objectives of LDP policies COM7 and SP13 which seek to protect social and community facilities, and would run counter to the advice contained in Technical Advice Note 16 – Sport, Recreation and Open Space.

Character and appearance

12. Both sites appear as visual amenity areas typical of a planned, mid-20th century residential estate. Whilst lacking any notable characteristics, their position fronting the principal through-route of St Iltyd's Road nonetheless makes them prominent local features.
13. The dwellings proposed within both appeal schemes would be of a scale similar to those nearby and their pitched roofs would reflect the local vernacular. Ample private amenity space would be provided within the plots and the horizontal bulk of the Appeal A terraces would be appropriately broken up by being stepped to reflect the underlying topography. However, the terraced form of the proposed dwellings in both schemes would conflict with the prevailing semi-detached character of the immediate context. The landscaped strip along the northern boundary of Appeal A site would assist in reducing the visual impact of the dwellings, but the orientation of the two terraces facing onto the side roads would run counter to the prevailing urban grain and layout of the estate, whereby dwellings positively face onto principal streets and open spaces. Although the appellant contends that the design of the dwellings represents a 'modern twist', I find that the singular use of brick would further enhance the prominence of the houses as incongruous insertions within a residential estate of established character.
14. The placement of the Appeal A and B dwellings and the side boundary strip on the Appeal A site would reflect existing building lines. However, the built form within both schemes would interact awkwardly with the neighbouring public realm. The provision of surface car parking to the front of the dwellings on both sites would conflict with the generally open, landscaped front garden areas and low boundary walls of the adjacent properties. The paved parking spaces, tarmacked pathway, flank elevations and 2

metre high boundary wall marking the southeast edge of the Appeal A site would provide an exceptionally hard edge which the two limited areas of landscaping would do little to mitigate. The walls marking the site and rear boundaries of the Appeal B properties would provide a similarly stark interface onto the neighbouring streets.

15. Whilst Planning Policy Wales Edition 9 (PPW) advises that sensitive infilling, in particular for affordable housing to meet local need, may be acceptable, it also notes that much depends on the character of the surroundings. I saw on my site visit that a number of terraces are located in proximity to both sites, but these are perceived as part of the original built fabric of the estate, and positively relate to, and reinforce, the public realm in a way that the dwellings in the appeal schemes would not. For the reasons given above, I conclude that both appeal schemes would unacceptably harm the character and appearance of the immediate vicinity, contrary to the design objectives of LDP policy SP2. For the same reasons both proposals would run counter to the general thrust of PPW, Technical Advice Note 12 – Design and the Council’s Supplementary Planning Guidance 02 – Householder Development.

Other Matters

16. I acknowledge the benefits of the two proposals, particularly in relation to the provision of affordable housing within the Appeal A development, as well as the contribution of both schemes towards the County Borough’s housing land supply. The dwellings would also be sited sustainably within an existing built-up area. Nevertheless, whilst I attach substantial weight to these benefits, they do not outweigh the identified harm.
17. I have had regard to other matters raised, including in relation to drainage, highway safety, parking, climate change, the capacity of local physical and social infrastructure, precedential effects, noise and disturbance, privacy, overshadowing and nature conservation. However, as I am dismissing both schemes against the main issues for the reasons given, I have not pursued these matters further.
18. I have considered the duty to improve the economic, social, environmental and cultural well-being of Wales, in accordance with the sustainable development principle, under section 3 of the Well-Being of Future Generations (Wales) Act 2015 (the WBFG Act). In reaching my decision, I have taken into account the ways of working set out at section 5 of the WBFG Act and I consider that this decision is in accordance with the sustainable development principle through its contribution towards one or more of the Welsh Ministers’ well-being objectives set out in section 8 of the WBFG Act.

Conclusions

19. For the above reasons, and having regard to all other matters raised, I conclude that Appeal A should be dismissed and that Appeal B should be dismissed.

Paul Selby

INSPECTOR