

## **APPEALS**

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

<b>CODE NO.</b>	D/17/3177172 (1804)
<b>APPLICATION NO.</b>	P/16/969/FUL
<b>APPELLANT</b>	MISS T SHERRIFF
<b>SUBJECT OF APPEAL</b>	NEW SINGLE STOREY SIDE/REAR EXTENSION AND RETENTION OF FIRST FLOOR REAR EXTENSION: 1 PRINCESS STREET, MAESTEG
<b>PROCEDURE</b>	HOUSEHOLDER
<b>DECISION LEVEL</b>	DELEGATED OFFICER

The application was refused for the following reason:

1. The development by reason of its siting, scale, massing, bulk and design, has an overbearing and dominating impact on the neighbouring property, 2 Princess Street resulting in a significant and unreasonable loss of residential amenity, contrary to Policy SP2 of the adopted Bridgend Local Development Plan (2008) and Note 3 of Supplementary Planning Guidance 2: Householder Development.

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<b>CODE NO.</b>	D/17/3176992 (1805)
<b>APPLICATION NO.</b>	P/17/71/FUL
<b>APPELLANT</b>	MR N G THOMAS
<b>SUBJECT OF APPEAL</b>	REMODELLING OF DWELLING TO INCLUDE NEW ROOF SHAPE, ALTERATIONS AND EXTENSION OF EXISTING BUNGALOW AND LOFT CONVERSION INCLUDING DORMERS & DETACHED GARAGE/STORAGE BUILDING WITH FIRST FLOOR AND DORMERS: PENYBRYN, BRIDGEND ROAD, BRYNCETHIN
<b>PROCEDURE</b>	HOUSEHOLDER
<b>DECISION LEVEL</b>	DELEGATED OFFICER

The application was refused for the following reasons:

1. The proposed rear extension, by reason of its size, scale and prominence, represents an excessive, incongruous and overly prominent form of development that will have a detrimental impact on the character of the host dwellinghouse and will be out of keeping with the established form and character of the area, 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 9) (2016).

2. The proposed rear extension, by reason of its scale and proximity to neighbouring properties, particularly Royston House to the north, would result in an overbearing form of development having a detrimental impact on the residential amenities of the occupiers of the neighbouring properties, contrary to Note 1 of Supplementary Planning Guidance Note 02 Householder Development, Policy SP2 of the Local Development Plan (2013) and paragraph 1.2.1 of Planning Policy Wales (Edition 9) (2016).
3. The proposed dormer windows on the southern roof slope of the proposed extension would unreasonably overlook the private rear garden of the adjoining property at Tre Tomas having a detrimental impact on the residential amenities and privacy of adjoining occupiers contrary to Note 6 of Supplementary Planning Guidance Note 02 Householder Development, Policy SP2 of the Local Development Plan (2013) and advice contained within Planning Policy Wales (Edition 9) (2016).
4. The proposed rear balcony would result in actual and perceived overlooking of adjoining properties to the detriment of the residential amenities of neighbouring properties, contrary to advice within Supplementary Planning Guidance Note 02 Householder Development, Policy SP2 of the Local Development Plan (2013) and advice contained within Planning Policy Wales (Edition 9)(2016).

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

<b>CODE NO.</b>	C/17/31754530 (1803)
<b>APPLICATION NO.</b>	ENF/67/16/C
<b>APPELLANT</b>	MISS TIFFANY SHERRIFF
<b>SUBJECT OF APPEAL</b>	NEW SINGLE STOREY SIDE/REAR EXTENSION AND RETENTION OF FIRST FLOOR REAR EXTENSION 1 PRINCESS STREET MAESTEG
<b>PROCEDURE</b>	WRITTEN REPRESENTATIONS
<b>DECISION LEVEL</b>	ENFORCEMENT NOTICE
<b>DECISION</b>	This appeal has been withdrawn as the Appellant has not paid the required fee.

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<b>CODE NO.</b>	A/17/3168308 (1797)
<b>APPLICATION NO.</b>	P/16/567/OUT
<b>APPELLANT</b>	MR M KHALIQ

**SUBJECT OF APPEAL** ERECTION OF 2 THREE BED DETACHED DWELLINGS  
(RESUBMISSION OF REFUSAL P/16/332/OUT): LAND REAR  
OF 44 HEOL LLAN, NORTH CORNELLY

**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.

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**CODE NO.** A/17/3170739 (1799)

**APPLICATION NO.** P/16/636/RLX

**APPELLANT** HOMECARE CARE LTD

**SUBJECT OF APPEAL** REMOVE CONDITION 4 AND RELAX CONDITION 1 OF  
P/15/183/FUL TO ALLOW UP TO SEVEN RESIDENTS IN NEED  
OF CARE AT ANY ONE TIME:  
THE WHITE HOUSE, BRIARY WAY, BRACKLA

**PROCEDURE** WRITTEN REPRESENTATIONS

**DECISION LEVEL** OFFICER DELEGATED

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

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

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**RECOMMENDATION:**

That the report of the Corporate Director Communities be noted.

**MARK SHEPHARD**  
**CORPORATE DIRECTOR COMMUNITIES**

**Background Papers**  
(see application reference number)

## APPENDIX A



The Planning Inspectorate  
Yr Arolygiaeth Gynllunio

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### **Penderfyniad ar yr Apêl**

Ymweliad â safle a wnaed ar 21/04/17

gan **P J Davies BSc (Hons) MA MRTPI**  
Arolygydd a benodir gan Weinidogion Cymru  
Dyddiad: 18.05.17

### **Appeal Decision**

Site visit made on 21/04/17

by **P J Davies BSc (Hons) MA MRTPI**  
an Inspector appointed by the Welsh Ministers  
Date: 18.05.17

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**Appeal Ref: APP/F6915/A/17/3168308**

**Site address: Land forming part of 44 Heol Llan, North Cornelly, Bridgend  
CF33 4DP**

**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 Mr M Khaliq against the decision of Bridgend County Borough Council.
  - The application Ref P/16/567/OUT, dated 1 July 2016, was refused by notice dated 26 September 2016.
  - The development proposed is erection of 2 No 3 bed detached dwellings (resubmission following refusal of App ref P/16/332/OUT).
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### **Decision**

1. The appeal is dismissed.

### **Main Issues**

2. These are the effect of the proposal on highway safety and residents living conditions.

### **Reasons**

#### *Highway Safety*

3. The appeal site forms part of the rear service yard to a parade of shops which include a reasonably large convenience store. An area immediately to the rear of the shops would be retained for servicing the commercial units and it would appear from the indicative site layout that access to this yard and the dwellings would be shared via an existing entrance from Clos Y Capel.
  4. I have not been given any details as to the pattern and type of servicing need that the shops currently generate, but given the scale and nature of the convenience store which is open throughout the day and into the late evening, it is likely that deliveries would be made on a regular basis. Moreover, deliveries would also be likely in moderate to large vehicles. The smaller retail units would have less demand for servicing but given their commercial function this need would still arise in some form. The area of the service yard to be retained is small and from my own observations it would be difficult for delivery vehicles to turn or manoeuvre within this space. Although the application is made in outline, there is no information before me such as
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swept path diagrams to demonstrate that delivery vehicles would be able to enter and leave the yard in a forward gear. The proposal would therefore lead to the potential for awkward reversing movements on Clos Y Capel which would prejudice the free and safe flow of traffic. Whilst it is stated that deliveries take place to the front of the shops, this is an area reserved for customer parking, including disabled customers. Delivery traffic would be likely to obstruct these facilities and result in a risk of pedestrian and vehicular conflict. This does not therefore perform a satisfactory means of servicing the shops and rendering the rear service yard unattractive or unable to be used because of its restricted nature would result in a reliance on the customer car park for servicing. This would cause a material risk to the safety of pedestrians and a danger of vehicular conflict.

5. The proposed dwellings would also have parking and turning requirements, but it is not clear how these arrangements would be accommodated within the site. The area to the front and side of the dwellings would be limited and in the absence of outline information that illustrates that the development can be safely served by parking and turning facilities, I am unable to conclude that the proposal would provide a safe access to the development.
6. On the available evidence I conclude that the proposal would cause significant harm to highway safety interests, contrary to the objectives of Policy SP2 of the Bridgend Local Development Plan (LDP) which amongst other things seeks to ensure efficient access.

#### *Living Conditions*

7. The front of the site is enclosed by a solid wall and beyond that is a grass verge which is not part of the application site. The outlook for the occupiers of the proposed dwellings towards Clos Y Capel cannot therefore be controlled or assured. The rear of the dwellings would face the back elevation of the convenience store which has a strong utilitarian appearance resulting in an unattractive rear aspect for the future occupiers. In these circumstances, the proposed dwellings would have a poor and confined living environment. Further, the dwellings would be close to a number of unsightly and noisy extraction units on the external wall of the shops. Although boundary treatments could provide a degree of visual screening, there would be some impacts from noise and odour and it has not been demonstrated that these effects would be acceptable. Whilst it does not appear that the extraction units are causing existing residents undue concern, it would be inappropriate in my view to allow housing within close proximity to a noise and odour source without first establishing whether any adverse effects can be managed. For the above reasons I conclude that the proposal would be harmful to residents living conditions contrary to one of the general aims of LDP Policy SP2 to protect local amenity.

#### **Other Matters**

8. I acknowledge that the principle of housing would be acceptable in this location and that the design and appearance of the dwellings is capable of being addressed under the reserved matters. I also note that the appeal site was part of a previous more comprehensive housing scheme. However in the latter case and unlike the current scheme, this included the verge to the front of the site and demonstrated parking provision.
9. One of the Council's reasons for refusal refers to drainage arrangements for the development. In this regard, the site is crossed by mains sewers which place restrictions on the siting of the development. Although the appellants state that there

is sufficient space to overcome this constraint, this has not been proven to any substantiated degree. Nonetheless, as I have found the development unacceptable for a number of other reasons I do not seek to address this matter further in this decision.

10. In reaching my decision, I have taken account of 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 set out as required by section 8 of the WCFG Act.
11. For the above reasons, and having regard to all other matters raised, I conclude that the appeal is dismissed.

*P J Davies*

**INSPECTOR**

## APPENDIX B



# The Planning Inspectorate Yr Arolygiaeth Gynllunio

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## **Penderfyniad ar yr Apêl**

Ymweliad â safle a wnaed ar 04/05/17

**gan P J Davies BSc (Hons) MA MRTPI**

**Arolygydd a benodir gan Weinidogion Cymru**

**Dyddiad: 22.06.2017**

## **Appeal Decision**

Site visit made on 04/05/17

**by P J Davies BSc (Hons) MA MRTPI**

**an Inspector appointed by the Welsh Ministers**

**Date: 22.06.2017**

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**Appeal Ref: APP/F6915/A/17/3170739**

**Site address: The White House, Briary Way, Brackla, Bridgend CF31 2PT**

**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 Gareth Williams Homestyle Care Ltd against the decision of Bridgend County Borough Council.
  - The application Ref P/16/636/RLX, dated 4 August 2016, was refused by notice dated 16 November 2016.
  - The application sought planning permission for change of use of existing dwelling to residential care home and two storey extension without complying with conditions attached to planning permission Ref P/15/183/FUL, dated 12 June 2015.
  - The conditions in dispute are Nos 1 and 4 which state that: '*The use of the property as a Residential Care Home shall accommodate a maximum of four residents in need of care at any one time*'; and '*Notwithstanding the submitted plans the two attic rooms shall be used solely to provide ancillary amenities and facilities for residents of the Care Home and shall not be used as sleeping accommodation at any time*'.
  - The reasons given for the conditions are: '*To ensure that the Local Planning Authority retains effective control over the use of the property*'; and '*To enable the Local Planning Authority to retain effective control over the use of the premises in the interests of highway safety*'.
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### **Decision**

1. The appeal is allowed and planning permission is granted for change of use of existing dwelling to residential care home and two storey extension at The White House, Briary Way, Brackla, Bridgend CF31 2PT in accordance with the application Ref P/16/636/RLX, dated 4 August 2016, without compliance with condition numbers 1 and 4 previously imposed on planning permission Ref P/15/183/FUL, dated 12 June 2015 but subject to the other conditions imposed therein, so far as the same are still subsisting and capable of taking effect, and subject to the conditions set out in the attached schedule.

### **Main Issues**

2. This is the effect that varying or removing the disputed conditions would have on the character and appearance of the area, and residents living conditions.
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## Reasons

3. The appeal property is a large residential care home situated in a suburban area characterised by predominantly detached dwellings in substantial plots. The care home currently accommodates 4 residents in need of care and a number of staff. Removing or varying the disputed conditions would result in an additional three bedrooms with associated internal and external alterations which include roof lights. Although the rooms were unoccupied at the time of my visit the roof lights have been installed. As well as accommodating 3 additional residents in care, the proposal would also create a need for 3 additional day staff and a night staff.
4. There is no doubt that increasing the number of residents and staff at the premises would increase on site activity and generate additional vehicular movements. Nonetheless the proposed use would remain residential in nature and the appearance of the building would retain its domestic character. There would be no principal change to the general use of this large dwelling and additional traffic arising from the extra staff would not be significant in the context of this established built-up area. The appeal property is a substantial building in a generous plot that is capable of occupation by a large family. Although, the nature of the existing care use requires additional support staff, I do not consider that removing condition 4 and varying condition 1 would result in any noticeable character changes to the existing building. Relative to the size of the appeal property and its large grounds, I consider that the proposed intensified occupation would be proportionate and in keeping with the character of the surrounding area.
5. In terms of residential amenity, I have no reason to believe that increasing the number of residents at the appeal property would cause undue noise or disturbance for nearby residents. The care home is set back from the road and orientated away from other dwellings. In particular the separation distances from dwellings in Briary Way are quite significant, and the dwellings to the east are on considerably higher ground and served by a different access. The roof lights are situated within the upper part of the roof plane so that views are mostly restricted to the skyline. Any direct views of adjacent dwellings are very difficult to achieve and given the distances and angles involved, there would be no unacceptable loss of privacy. Sufficient off-street parking would be provided which accords with the Council's standards and I note that there is no objection from the highway authority. It is unlikely therefore that the proposal would result in any additional manoeuvring or parking on the highway that would disturb nearby residents. Whilst I have had regard to local representations, the effect of varying the existing planning permission would be relative to the scale of the existing building and the surrounding area. There would therefore be no material harm to the character of the area or residents' living conditions, and removing condition 4 and varying condition 1 to allow occupation by 7 residents would comply with the aims of Policy SP2 of the Bridgend Local Development Plan.
6. The Council has suggested a number of conditions which largely follow the previously imposed conditions. In addition to the plans compliance condition, a condition relating to the provision of parking is necessary in the interests of highway safety. Conditions restricting the use of the premises to a care home, and occupation by a maximum of 7 residents are necessary to ensure effective control over the use of the premises in the interests of the general amenities of the area.
7. In reaching my decision, I have taken account of 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 set out as required by section 8 of the WCFG Act.

8. For the above reasons and having regard to all other matters raised I conclude that the appeal is allowed.

*P J Davies*

**INSPECTOR**

**Schedule of Conditions**

- 1) The use of the property as a residential care home shall accommodate a maximum of seven residents in need of care at any one time.
- 2) The development hereby approved shall not be brought into beneficial use until nine parking spaces have been laid out within the curtilage of the site in accordance with the approved parking layout plan Drawing No 01 Rev A. The parking spaces shall thereafter be retained in perpetuity.
- 3) The premises shall be used as a residential care home for persons in need of care as described in the submitted supporting statement and for no other purposes including any other purpose in Class C2 of the Schedule to the Town & Country Planning (Use Classes) Order 1987 or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order.
- 4) The development shall be carried out in accordance with the following approved plans and documents: Drawing Nos HCL/15/02C; HCL/15/03B; HCL/15/04A; HCL/15/05; HCL/15/06; the submitted supporting statement received 8 August 2016; the amended parking plan Drawing No 01 Rev A.