

## **APPEALS**

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

<b>CODE NO.</b>	A/17/3178349 (1806)
<b>APPLICATION NO.</b>	P/17/75/FUL
<b>APPELLANT</b>	MULBERRY HOMES LTD
<b>SUBJECT OF APPEAL</b>	ERECTION OF 2 PAIRS OF SEMI DETACHED HOUSES (4) ON FORMER RAILWAY CUTTING (INFILLED) INCLUDING ASSOCIATED SITE WORKS LAND REAR OF WAUNSCIL AVENUE, BRIDGEND
<b>PROCEDURE</b>	WRITTEN REPRESENTATIONS
<b>DECISION LEVEL</b>	DELEGATED OFFICER

The application was REFUSED for the following reasons:-

1. The proposed development by reason of its form and siting would prejudice the provision of accessible natural greenspace in this identified location and as such would be contrary to Policy COM13 and the strategic objectives of the Bridgend Local Development Plan (2013) which seek to promote, conserve and enhance the natural built environment and provide for the required quantity and range of accessible leisure and recreational facilities in the County Borough.
2. The proposed house by reason of its design and scale would be visually obtrusive and out of character with the adjacent housing in Chorleywood Close and Gwaun Coed to the detriment of the visual amenities of the area and contrary to part 3 and 12 of Policy SP2 of the Bridgend Local Development Plan (2013) and advice contained within Planning Policy Wales (Edition 9 November 2016) and Technical Advice Note 12 - Design (2016).
3. Insufficient details of the trees and hedges to be retained and information relating to existing and finished site levels have been submitted to enable the Local Planning Authority to fully assess the impact of the proposed development on the public amenity provided by the protected trees and hedgerows and the living conditions of the occupiers of the neighbouring properties as required by Policies SP2 and ENV6 of the Bridgend Local Development Plan (2013) and Supplementary Planning Guidance (SPG) 19: Biodiversity and Development (2014).
4. The proposed additional use of the sub-standard access from Waunscil Avenue with its obstructed northerly vision and the sub-standard road design which will introduce uncontrolled conflict between pedestrians/cyclists and the proposed vehicular movements will create increased traffic hazards to the detriment of highway and pedestrian safety and contrary to Policies SP2 and SP3 of the Bridgend Local Development Plan (2013).
5. The proposed layout does not provide adequate off street parking facilities and would therefore generate a greater demand for on street parking to the detriment of highway safety and contrary to Policies SP3 and PLA11 of the Bridgend Local Development Plan (2013) and Supplementary Planning Guidance (SPG) 17: Parking Standards (2011).

6. The proposed development does not accommodate or provide a corridor for the proposed footpath/cycleway route as required under Policy PLA7 (12) of the Bridgend Local Development Plan. The failure to provide a corridor or the route will prejudice local and national policy objectives to encourage a modal shift to more sustainable forms of transport for the residents of the County Borough.
7. Insufficient details of the proposed drainage system have been submitted to enable the Local Planning Authority to fully assess the impact of the proposed development on the existing drainage network.

*Since this appeal has been received the Department has been notified by the Planning Inspectorate that the appeal has been **withdrawn**.*

---

<b>CODE NO.</b>	C/17/3176620 (1807)
<b>APPLICATION NO.</b>	ENF/12/15/C
<b>APPELLANT</b>	MR V JORDAN
<b>SUBJECT OF APPEAL</b>	UNAUTHORISED BUSINESS USE TANMA HEOL EGLWYS PEN Y FAI BRIDGEND
<b>PROCEDURE</b>	WRITTEN REPRESENTATIONS
<b>DECISION LEVEL</b>	ENFORCEMENT NOTICE

*Since this appeal has been received the Department has withdrawn the Enforcement Notice and the Planning Inspectorate has confirmed that the appeal has been **withdrawn**.*

---

<b>CODE NO.</b>	C/17/3179866 (1808)
<b>APPLICATION NO.</b>	ENF/3/16/C
<b>APPELLANT</b>	MR M ARTHUR
<b>SUBJECT OF APPEAL</b>	UNAUTHORISED USE FOR ACCOUNTANCY BUSINESS 2 TYTHEGSTON CLOSE NOTTAGE PORTHCAWL
<b>PROCEDURE</b>	WRITTEN REPRESENTATIONS
<b>DECISION LEVEL</b>	ENFORCEMENT NOTICE

---

<b>CODE NO.</b>	A/17/3180379 (1809)
<b>APPLICATION NO.</b>	P/17/107/RLX
<b>APPELLANT</b>	MR M MATHIAS

**SUBJECT OF APPEAL** RELAXATION OF CONDITIONS 4, 5 AND 8 OF P/14/63/FUL TO ENABLE THE BARN TO BE OCCUPIED WHILST THE NEW ACCESS IS BEING CONSTRUCTED PARCAU ISAF FARM, LALESTON, BRIDGEND.

**PROCEDURE** WRITTEN REPRESENTATIONS

**DECISION LEVEL** DELEGATED OFFICER

The application was REFUSED for the following reasons:-

1. The proposal would result in an unsatisfactory means of access to serve traffic generated by the proposed development which is contrary to Policies SP2(6) and SP3 of the Bridgend Local Development Plan 2013.
2. The proposal would result in the proposed additional use of a sub-standard access which is contrary to Policies SP2(6) and SP3 of the Bridgend Local Development Plan 2013.

---

**CODE NO.** D/17/3181332 (1810)

**APPLICATION NO.** P/17/286/FUL

**APPELLANT** MR G EVANS

**SUBJECT OF APPEAL** NEW DETACHED DOMESTIC GARAGE TO REPLACE EXISTING DETACHED DOMESTIC GARAGE 16A DANYCOED, BLACKMILL

**PROCEDURE** WRITTEN REPRESENTATIONS

**DECISION LEVEL** DELEGATED OFFICER

The application was REFUSED for the following reason:

1. The proposed development would, by virtue of its size, siting and design be visually obtrusive and generally out of character with existing properties in the area and thereby would represent an incongruous element in the street scene to the detriment of local visual amenities, contrary to Policy SP2 of the Bridgend Local Development Plan and Design Guide 2:House Extensions.

---

**CODE NO.** A/17/3180687 (1811)

**APPLICATION NO.** P/17/83/FUL

**APPELLANT** MR W ROBERTSON

**SUBJECT OF APPEAL** REPLACE OLD WORKSHOP SPACE WITH NEW WORKSHOP THE YARD, ROGERS LANE, CEFN CRIBWR

**PROCEDURE** WRITTEN REPRESENTATIONS

**DECISION LEVEL**                      **DELEGATED OFFICER**

The application was REFUSED for the following reasons:-

1. The site lies in a rural area and the proposal which constitutes an undesirable sporadic and inappropriate form of development outside any existing settlement boundary would be prejudicial to the character of the area in which it is intended that the existing uses of land shall remain for the most part undisturbed, contrary to established national and local planning policies, notably Policies PLA1 and ENV1 of the Bridgend Local Development Plan 2016, and the principles of Planning Policy Wales (2016).
2. The proposed development, by reason of its siting and design, constitutes an undesirable and inappropriate form of development that would be detrimental to the visual amenities of the existing countryside contrary to Policies SP2 and ENV1 of the Bridgend Local Development Plan (2013) and advice contained within Planning Policy Wales (2016).
3. There are insufficient details of the proposed development and the intended use of the building to enable a full assessment of the highway safety implications of the scheme.

---

<b>CODE NO.</b>	C/17/3180422 (1812)
<b>APPLICATION NO.</b>	ENF/123/15/C
<b>APPELLANT</b>	MR A SMITH
<b>SUBJECT OF APPEAL</b>	UNAUTHORISED STORAGE OF RUBBLE LAND NORTH OF NEWMARKET WORKS, WYNDHAM, OGMORE VALE
<b>PROCEDURE</b>	WRITTEN REPRESENTATIONS
<b>DECISION LEVEL</b>	ENFORCEMENT NOTICE

---

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

<b>CODE NO.</b>	A/17/3171693 (1800)
<b>APPLICATION NO.</b>	P/16/720/FUL
<b>APPELLANT</b>	MR & MRS BRIAN ARNESAN
<b>SUBJECT OF APPEAL</b>	AGRICULTURAL BUILDING GRAIGWEN, HENDRE ROAD, PENCOED
<b>PROCEDURE</b>	WRITTEN REPRESENTATIONS
<b>DECISION LEVEL</b>	DELEGATED OFFICER
<b>DECISION</b>	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/17/3172020 (1801)  
**APPLICATION NO.** P/16/625/FUL  
**APPELLANT** MRS LYNNE CANTON  
**SUBJECT OF APPEAL** ERECTION OF DETACHED DWELLING  
VACANT LAND ADJACENT TO CAMBRIAN HOUSE & CROSS  
WINDS, STORMY DOWN, 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/17/3168010 (1798)  
**APPLICATION NO.** P/16/695/FUL  
**APPELLANT** MR ANTHONY SMITH  
**SUBJECT OF APPEAL** CONSTRUCTION OF BUNGALOW  
LAND BETWEEN 16 & 17 HIGH STREET, OGMORE VALE  
**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 C.

---

**CODE NO.** A/17/3171557 (1804)  
**APPLICATION NO.** P/16/1000/FUL  
**APPELLANT** MR JELAN ARUNO JESUTHASAN  
**SUBJECT OF APPEAL** CHANGE OF USE OF GROUND FLOOR DWELLING TO  
NEWSAGENTS/OFF-LICENCE  
129 CAERAU ROAD, CAERAU, MAESTEG  
**PROCEDURE** WRITTEN REPRESENTATIONS  
**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 D

---

**CODE NO.** D/17/3177172 (1804)  
**APPLICATION NO.** P/16/969/FUL  
**APPELLANT** MISS TIFFANY SHERRIFF  
**SUBJECT OF APPEAL** NEW SINGLE STOREY SIDE/REAR EXTENSION AND  
RETENTION OF FIRST FLOOR REAR EXTENSION  
1 PRINCESS STREET, MAESTEG  
**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 E

---

**CODE NO.** C/16/3159263 (1785)  
**APPLICATION NO.** ENF/296/14/C  
**APPELLANT** MR ADRIAN LEAN  
**SUBJECT OF APPEAL** UNAUTHORISED LOG CABIN

LAND AT OAKLANDS LIVERY YARD, RHIWCEILIOG,  
PENCOED

**PROCEDURE**

HEARING

**DECISION LEVEL**

OFFICER DELEGATED

**DECISION**

THE APPEAL HAS BEEN HELD IN ABEYANCE WHILST A  
PLANNING APPLICATION WAS DETERMINED. THIS APPEAL  
HAS NOW BEEN WITHDRAWN BY THE APPELLANT.

---

**RECOMMENDATION:**

That the report of the Corporate Director Communities be noted.

**MARK SHEPHARD**

**CORPORATE DIRECTOR COMMUNITIES**

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

## Appendix A



---

### 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: 28.06.2017**

### 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: 28.06.2017**

---

**Appeal Ref: APP/F6915/A/17/3171693**

**Site address: Land at Graigwen, Hendre Road, Pencoed, Bridgend CF35 6PU**

**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 & Mrs Brian Arnesen against the decision of Bridgend County Borough Council.
  - The application Ref P/16/720/FUL, dated 6 September 2016, was refused by notice dated 14 November 2016.
  - The development proposed is agricultural building (resubmission).
- 

### Decision

1. The appeal is dismissed.

### Main Issue

2. This is the effect of the proposal on the character and appearance of the surrounding countryside.

### Reasons

3. The appeal site forms part of a field near to an existing dwelling but outside any settlement boundary where Policy ENV1 of the Bridgend Local Development Plan (LDP) seeks to control development in the general interest of safeguarding the character and appearance of the countryside. However, development may be acceptable where, amongst other things, it is necessary for agriculture.
  4. It is explained that the proposed building would provide storage for fodder, machinery and it would be used for housing cattle and sheep. Although the appellants have a customer reference number from Welsh Government and a holding number, as well as animal health registration numbers, this does not confirm the scale and extent of the holding relative to the need for a building of the size proposed. Existing agricultural livestock is limited to around 16 sheep, and although it is the intention to house some 60 sheep and 20 cattle in the proposed building along with associated feed and machinery, there is little information such as a business plan or farm accounts to correlate these intentions with any firm agricultural purpose. In addition, whilst noting the personal circumstances of the appellant, there is nothing of substance before me to indicate that the intended agricultural use of the building would be sustainable or
-



viable in the long term. The principle of the development is thus at odds with the aims of LDP Policy ENV1.

5. The proposed building would have an agricultural design and character typical of farm buildings in the countryside, but it is nevertheless the case that new development in the countryside must be strictly controlled. Aside from there being no tangible evidence of agricultural need, relative to the small size of the holding, the proposed building would be a substantial structure of around 18.8 metres by 11.2 metres and 4.8 metres in height. I accept that it would occupy a relatively secluded location not particularly prominent in public views, but from within the site itself and compared to the domestic character of the nearby dwelling, it would appear as a piecemeal and ad hoc form of development out of scale and context with its setting.
6. I conclude that it has not been demonstrated that the building would be necessary for agricultural purposes and it would result in an unjustified and harmful incursion of built form into the countryside. Notwithstanding that there has been no local objection to the development the proposal would cause material harm to the character and appearance of the countryside, contrary to the objectives of LDP Policies ENV1 and SP2.
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 dismissed.

*P J Davies*

**INSPECTOR**

## Appendix B



# The Planning Inspectorate Yr Arolygiaeth Gynllunio

---

## Penderfyniad ar yr Apêl

Ymweliad â safle a wnaed ar 05/06/17

gan **Richard E. Jenkins BA (Hons) MSc MRTPI**

Arolygydd a benodir gan Weinidogion Cymru

Dyddiad: 10.07.2017

## Appeal Decision

Site visit made on 05/06/17

by **Richard E. Jenkins BA (Hons) MSc MRTPI**

an Inspector appointed by the Welsh Ministers

Date: 10.07.2017

---

**Appeal Ref: APP/F6915/A/17/3172020**

**Site address: Vacant Site Adjacent to Cambrian House, Stormy Down, Bridgend, CF32 0NW**

**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 Mrs Lynne Canton against the decision of Bridgend County Borough Council.
  - The application Ref: P/16/625/FUL, dated 28 July 2016, was refused by notice dated 4 October 2016.
  - The development proposed is the erection of detached dwelling on land adjacent to Cambrian House and Crosswinds, Stormy Down, Bridgend, CF32 0NW.
- 

### Decision

1. The appeal is dismissed.

### Main Issues

2. These are: whether the proposed development is justified, having particular regard to the adopted development plan; and the effect of the proposed development on local biodiversity features and green infrastructure.

### Reasons

3. The appeal relates to a parcel of land located to the west of two substantial residential properties known as Crosswinds and Cambrian House in Stormy Down, Bridgend. The site comprises a relatively large plot given that the proposal seeks to accommodate a single dwelling. The land was largely overgrown at the time of my site visit, but is otherwise flat and relatively well screened from the public highway. The appeal proposal would construct a single four bed detached residential property with a linked double garage.
  4. The appeal site is located outside of the settlement boundaries defined by the adopted Bridgend Local Development Plan 2006- 2021(adopted 2013) (LDP), with the nearest settlements comprising Cornelly or Porthcawl. For the purposes of planning the site is, therefore, classed as being within the 'countryside'. Policy ENV1 of the adopted LDP is applicable in this respect as it seeks to strictly control development in such locations. Similar to the provisions of national policy, as set out in Planning Policy Wales (PPW) (Edition 9, 2016) and Technical Advice Note 6: *Planning for Sustainable*
-

*Rural Communities* (2010) (TAN6), Policy ENV1 provides for circumstances where development in the countryside could potentially be considered as an exemption to the general presumption against development. However, despite some largely unsupported assertions that the site may fall within the definition of previously developed land, I have not seen anything that would indicate that the development would meet the policy exemptions listed. On this basis, the proposed development would run counter to Policy ENV1 of the adopted LDP and the general thrust of the policy framework set nationally.

5. The appeal site lies within a designated SLA, as defined by Policy ENV3(7) of the adopted LDP, and the Council has cited this policy within its first reason for refusal. However, whilst the proposal is not accompanied by a landscape assessment, as required by policy, the delegated Officer's Report and the Council's Appeal Statement clearly conclude that there would be no harm to the designated SLA. Indeed, having regard to the fact that the design of the proposed dwelling would broadly accord with other developments within the vicinity and be largely screened from the public highway, I agree with such conclusions. PPW is clear that SLA designations should not unduly restrict acceptable development<sup>1</sup>. However, as I have explained above, I do not consider the development to be acceptable given its countryside location.
6. The site comprises rough grassland with a belt of mature trees along the western site boundary, together with a further group of trees in the south eastern corner of the site. The site also adjoins a designated Site of Importance for Nature Conservation (SINC). Nevertheless, the proposed development has not been supplemented by an ecological assessment. In this respect, I have sympathy for the Council's assertion that it has been unable to properly assess the impact on biodiversity and the wider network of green infrastructure. Consequently, I find that the proposal conflicts with the general aims of LDP Policy ENV4 which covers developments within or adjacent to SINCS, LDP Policy ENV5 which seeks ensure the integrity of the overall green infrastructure framework and LDP Policy SP2 which, amongst other things, seeks to safeguard and enhance biodiversity and green infrastructure.
7. Through its Appeal Statement, the Council has raised additional objections to the proposed development, including those relating to highway safety and detailed design matters. However, given that such matters did not form part of the original reasons for refusal, coupled with the fact that I have found the proposal to be unacceptable on other grounds, I do not consider that it is necessary for me to conclude on such matters. Moreover, for the avoidance of any doubt, I have determined this appeal on its own particular merits and any future application should also be considered in this manner. As such, I have not given any weight to the Council's assertion that allowing the appeal would create an undesirable precedent. Finally, whilst I have been made aware of the personal circumstances of the appellant, I have not seen anything to convince me that such matters justify a departure from adopted development plan policy.
8. Based on the foregoing analysis, I conclude that the proposed development would represent an unjustified form of development in the countryside. Accordingly, I find that it would be in conflict with Policy ENV1 of the adopted LDP and the general thrust of national policy. In addition to this, I consider the absence of sufficient information to come to an informed conclusion on biodiversity and green infrastructure to render the scheme contrary to Policies ENV4, ENV5 and SP2 of the adopted LDP. Therefore, having considered all matters raised, I conclude that the appeal should be dismissed.

---

<sup>1</sup> Paragraph 5.3.11

9. In coming to this conclusion, 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 (WBFG Act). 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, as required by section 8 of the WBFG Act.

*Richard E. Jenkins*

INSPECTOR

---

### Penderfyniad ar yr Apêl

Ymweliad â safle a wnaed ar 05/06/17

gan **Richard E. Jenkins BA (Hons) MSc MRTPI**

Arolygydd a benodir gan Weinidogion Cymru  
Dyddiad: 13.07.2017

### Appeal Decision

Site visit made on 05/06/17

by **Richard E. Jenkins BA (Hons) MSc MRTPI**

an Inspector appointed by the Welsh Ministers  
Date: 13.07.2017

---

**Appeal Ref: APP/F6915/A/17/3168010**

**Site address: Land between 16 & 17 High Street, Ogmere Vale, CF32 7AD**

**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 Anthony Smith against the decision of Bridgend County Borough Council.
  - The application Ref P/16/695/FUL, dated 25 August 2016, was refused by notice dated 20 December 2016.
  - The development proposed is the construction of a bungalow.
- 

### Decision

1. The appeal is allowed and planning permission is granted for the construction of a bungalow at land between 16 and 17 High Street, Ogmere Vale, CF32 7AD in accordance with the terms of the application, Ref P/16/695/FUL, dated 25 August 2016, and the plans submitted with it, subject to the conditions outlined in the schedule below.

### Main Issue

2. This is whether the proposed development would provide acceptable living conditions for future occupiers of the property, with particular reference to outlook, privacy and the extent of usable amenity space.

### Reasons

3. The appeal relates to a parcel of land located to the rear of a former ecclesiastical building which fronted High Street in Ogmere Vale. The appeal proposal would utilise the site for the construction of a single storey dwelling, with associated amenity space and off-street parking. The proposed bungalow would be sited in a 'back to back' arrangement with the existing structure on site and would front onto and be accessed via Corbett Street which runs parallel to the rear of High Street. Given the siting of the proposed dwelling to the rear of the aforementioned plot, its relationship with the existing properties at Nos. 16 and 17 High Street would also be largely 'back to back'. The Council does not have an in-principle objection to the development of the plot and I have no reason to disagree with such conclusions.
  4. The Council contends that, by reason of the restricted nature of the plot, the proposal would result in an undesirable and cramped form of development. It also contends
-

that it would afford an unacceptably poor standard of residential amenity to future occupants by virtue of its limited usable space, its oppressive outlook from the dwelling and amenity spaces, and its lack of privacy. In contrast, the appellant contests that the living conditions of future occupiers of the development would be acceptable. Within this context, the proposed development would clearly make efficient use of the plot. However, having had regard to the ratio of development to amenity space, as well as its wider urban context, I do not consider that the development would appear cramped or result in an unacceptable quantity of amenity space.

5. In terms of outlook, there is no doubt that the three storey units on High Street would represent imposing features when viewed from the rear garden area. However, given the fact that the proposed garden area would be raised and the proposed development would only represent a single storey structure, I do not consider that the levels of outlook would be so poor as to render the living conditions of future occupiers unacceptable. Moreover, the revised floorplans relative to earlier proposals illustrate that the rooms served by the two rear elevation windows would be bedrooms, with other habitable rooms facing the street. This would serve to improve the general outlook from the property. I recognise that there would only be a modest distance between the rear bedroom windows and the rear wall of the commercial building that fronts High Street. However, given the aforementioned set of circumstances, I do not consider such an arrangement to be one that is unacceptable.
6. With respect to privacy, I note the concerns of the Inspector dealing with the previous appeal at the site, particularly those relating to the proximity and height of the windows on the side elevation of No. 16, and those to the rear of No. 17. However, the windows in No. 16 have now been fitted with fixed obscure glazing which would significantly reduce the degree of overlooking from that property. I recognise that such glazing is not currently controlled via a planning condition. However, the evidence indicates that only one of those windows is lawful and, as that serves a bathroom, I do not consider the risk of the obscure glazing being removed to be significant. The other window requires the benefit of planning permission and, in this respect, I see no reason why any retrospective permission granted under s.73A could not include a suitably worded planning condition to ensure that the glazing is obscured, particularly given that the room is served by a reasonably sized rear facing window. I recognise that there would be potential for some overlooking from the rear windows of No. 17. However, by virtue of the orientation of these windows relative to the appeal site, I do not consider that any overlooking impacts would be materially detrimental to the living conditions of the occupiers of the proposed development.
7. Therefore, based on the foregoing analysis, I conclude that the proposed development would provide acceptable living conditions for future occupiers of the property. As such, I find no conflict with the aims of Policy SP2 of the adopted Bridgend Local Development Plan (2013)(LDP) which, amongst other things, seeks to ensure: compliance with national policy; the highest possible design quality, whilst respecting and enhancing local character; development of an appropriate scale, size and prominence; and that the viability and amenity of neighbouring uses and their users/ occupiers will not be adversely affected. For these reasons, and having considered all matters raised, I conclude that the appeal should be allowed subject to the conditions set out in the schedule below.
8. In coming to this conclusion, 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 (WCFG Act). I have taken into account the ways of

working set out at section 5 of the WCFG 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, as required by section 8 of the WCFG Act.

9. I have considered the suggested conditions and, having had regard to the advice in Welsh Government Circular 16/2014: *The Use of Planning Conditions for Development Management* (October 2014), have adjusted their wording in the interest of clarity and precision. In addition to the standard time commencement condition and the condition outlining the approved plans, which are necessary in the interests of clarity and precision, I have imposed Condition Nos. 3 and 4 in the interests of visual amenity. Condition No. 5 would satisfactorily control the finished floor levels, whilst Condition No. 6 ensures that the site is satisfactorily drained. Condition Nos. 7, 8 and 9 are necessary in the interests of pedestrian and highway safety. Given the nature of the infill plot and its arrangement relative to neighbouring properties, the removal of permitted development rights under Condition No. 10 is justified.

*Richard E. Jenkins*

INSPECTOR

### Schedule of Conditions

- 1) The development shall begin not later than five years from the date of this decision.
- 2) The development shall be carried out in accordance with the following approved plans and documents: *Site Location Plan 15.67/02; Proposed Scheme Option 2 15.03/06; Proposed Ground Floor Plan 15.03/ 08 REV A; and Proposed Ground Floor Plan 15.03/07 REV A.*
- 3) Prior to the construction of the dwelling hereby approved, details of the materials to be used in the construction of the external surfaces of the building shall be submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
- 4) Prior to the occupation of the dwelling hereby approved a plan indicating the positions, height, design, materials and type of boundary treatment to be erected and a timetable for its implementation shall be submitted to and approved by the local planning authority. The boundary treatment shall be completed as approved.
- 5) No development shall take place until details of the proposed floor levels of the buildings in relation to existing ground levels and the finished levels of the site have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.
- 6) No development shall commence until details of a scheme for the disposal of foul and surface water has been submitted to and agreed in writing by the local planning authority. The scheme shall be implemented in accordance with the approved details prior to the beneficial use of the development and retained in perpetuity.
- 7) Prior to the occupation of the dwelling, a scheme for the provision of 2No. off-street parking spaces shall be submitted to and approved in writing by the local planning authority. The scheme shall be implemented before the development is brought into beneficial use and be retained as approved in perpetuity.
- 8) The proposed means of access shall be laid out with 1 metre x 1 metre pedestrian vision splays on both sides before the development is brought into beneficial use and be retained as such in perpetuity.
- 9) No structure, erection or planting exceeding 0.6 metres in height above adjacent carriageway level shall be placed within the required vision splay areas at any time.
- 10) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended for Wales) (or any order revoking and re-enacting that Order with or without modification), no development which would be permitted under Article 3 and classes A, B, C, E, F, G and H of Part 1 to Schedule 2 of the Order shall be carried out within the curtilage of the dwelling, without the prior written consent of the local planning authority.



## Appendix D



# The Planning Inspectorate Yr Arolygiaeth Gynllunio

---

## Penderfyniad ar yr Apêl

Ymweliad â safle a wnaed ar 15/06/17

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

Arolygydd a benodir gan Weinidogion Cymru

Dyddiad: 13.07.2017

## Appeal Decision

Site visit made on 15/06/17

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

an Inspector appointed by the Welsh Ministers

Date: 13.07.2017

---

**Appeal Ref: APP/F6915/A/17/3171557**

**Site address: 129 Caerau Road, Caerau, Maesteg CF34 0PD**

**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 Jelan Aruno Jesuthasan against the decision of Bridgend County Borough Council.
  - The application Ref P/16/1000/FUL, dated 14 December 2016, was refused by notice dated 30 January 2017.
  - The development proposed is described as the change of use of ground floor dwelling to newsagents / off licence.
- 

## Decision

1. The appeal is dismissed.

## Main Issues

2. These are the effect of the proposed change of use on the living conditions of neighbours and on highway safety.

## Reasons

### *Living conditions*

3. The appeal property is a mid-terrace dwelling located on the main road through the village of Caerau. It adjoins dwellings on both sides, with this part of Caerau Road characterised predominantly by residential uses.
4. The proposal would result in the conversion of the living room of the existing dwelling to a newsagents / off licence in Use Class A1<sup>1</sup>, with opening hours of between 06.00 and 23.00 Monday to Saturday and 06.00 to 22.00 on Sunday and Bank Holidays. The first floor would remain in residential use.
5. My attention has been drawn to Policies PLA1 and SP10 of the adopted Bridgend Local Development Plan 2013 (LDP). As I understand it, these policies list the hierarchy of

---

<sup>1</sup> The Town and Country Planning (Use Classes) Order 1987.

---

retailing and commercial centres in Bridgend and identify Caerau as a Local Service Centre. However, the Council has confirmed that the appeal property lies outside the defined retail centre of the village, where commercial development of the nature proposed is directed.

6. Although the appeal site is surrounded predominantly by dwellings, I do not dispute that the general background noise levels experienced by the residents is likely to be greater than that normally associated with a residential use given its proximity to the Local Service Centre. Be that as it may, and given the limited range of services on offer in the centre, I would expect the level of activity to be much reduced beyond daytime business hours particularly during the early hours of the morning or late into the evening.
7. I agree with the Council that a new shop premises operating between the hours of 06:00 to 23:00 hours from Mondays to Saturdays and 06:00 to 22:00 hours on Sundays and Bank Holidays would increase general noise levels, levels of activity, footfall and traffic movements in and around the site over and above that of the existing residential use. Noise and disturbance can be created by activity in association with the proposed use and hours of operation at a time when I consider that the occupants of the neighbouring properties should have a reasonable expectation of a quieter living environment. Impulse noise such as raised voices, staff and customers leaving and entering the premises or the start of a car engine can have a startle effect on residents in the context of the ambient noise conditions at the time they occur. I consider that such activity would result in a level of disturbance over and above that which residents in the vicinity of the site should reasonably expect to enjoy.
8. In this context, the proposed newsagent / off licence use would represent an unneighbourly and incompatible form of development which would have a significant harmful impact on the living conditions of the residents in the vicinity of the site. It would thus conflict with LDP Policy SP2 which seeks to ensure that the amenity of neighbouring uses and their occupiers would not be adversely affected by new development.
9. I acknowledge the appellant's contention that the Council's Environmental Health Division has not raised any objection to the proposal. However, matters in the control of the planning system are also subject to control under separate legislation, and these matters sometimes overlap, as is the case here. The Environmental Health Division cannot control the noise and disturbance generated by people entering and leaving the premises and, in this instance, the lack of objection does not override the harm I have otherwise identified.
10. I also understand that the ground floor of the appeal property was previously in A1 use with a residential flat above<sup>2</sup>. Be that as it may, that use has since gone and does not justify what is essentially the reinstatement of an incompatible commercial use in a predominantly residential area.

#### *Highway safety*

11. In accordance with LDP Policy PLA11 and the Council's adopted Supplementary Planning Guidance 'Car Parking Standards' (SPG 17), the appeal development would

---

<sup>2</sup> The property has been occupied as a single dwelling since 2015 following the granting of planning permission under Ref P/15/501/FUL.

require 1 commercial vehicle space for operational use and 1 space for non-operational use. The provision required for the existing use of the premises as a single dwelling house is 1 space for residents and 1 space per five units for visitors. The appeal premises currently has no dedicated off-street parking. There is unrestricted on-street car parking available outside the appeal property with double yellow lines on the opposite side of the road.

12. One non-operational car parking space could be provided to the rear of the property which would provide an off-street parking space for the residential dwelling being retained at first floor, subject to an appropriately worded condition. The Council states that, theoretically, such an arrangement could free up an on-street parking space on Caerau Road fronting the property for customers.
13. However, the Council takes issue with the restricted width of the rear lane providing access to the rear of the property for servicing / delivery. As a consequence, delivery vehicles would be likely to service from the front of the property on Caerau Road. The Council contends that delivery drivers will inevitably wish to park as close to the premises as possible to make their scheduled deliveries in the most efficient way.
14. Whilst it is evident that on-street parking spaces may be available on Caerau Road at certain times of the day, it cannot be guaranteed during peak times such as evenings or weekends and, in any event, may not be of a sufficient size to cater for delivery vehicles. On occasions when a suitable space is not available, such delivery vehicles would either be forced to double park or to park on the footway opposite the site. In these circumstances, the road may be blocked to through traffic for the duration of the delivery, potentially resulting in dangerous vehicle reversing manoeuvres. The location of the site on a main public transport route, and the potential delay to traffic in a situation where a bus is unable to pass, adds to my concern in this regard.
15. In this context, the proposal is likely to result in short term, indiscriminate on-street parking on Caerau Road restricting the free-flow of traffic to the detriment of highway and pedestrian safety.
16. The appellant states that the proposed unit will be a small shop and that it is therefore unlikely that any large service vehicles will be necessary. However there is no suggestion of a means to control the size of delivery vehicle nor can there be any guarantee that the vehicle would not be of a size to accommodate multiple deliveries to various retail premises including the appeal site.
17. I do not dispute that the appeal premises previously operated as a newsagents and that the Council has not produced any evidence, such as accident or traffic flow data, to support the assertion that the proposal is essentially an incompatible use. However, on the basis of the evidence before me, neither am I persuaded that the development would be acceptable in highway and pedestrian safety terms for the reasons I have described.
18. The development would therefore conflict with LDP Policy PLA11 and SPG 17, which require all development to provide appropriate levels of car parking in accordance with adopted parking standards.

### **Conclusion**

19. For the reasons given, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

20. 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 this 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 as required by section 8 of the WBFG Act.

*Melissa Hall*

INSPECTOR

## Appendix E



# The Planning Inspectorate Yr Arolygiaeth Gynllunio

---

## Penderfyniad ar yr Apêl

Ymweliad â safle a wnaed ar 25/07/17

gan Paul Selby BEng (Hons) MSc  
MRTPI

Arolygydd a benodir gan Weinidogion Cymru  
Dyddiad: 02.08.2017

## Appeal Decision

Site visit made on 25/07/17

by Paul Selby BEng (Hons) MSc MRTPI

an Inspector appointed by the Welsh Ministers  
Date: 02.08.2017

---

**Appeal Ref: APP/F6915/D/17/3177172**

**Site address: 1 Princess Street, Maesteg CF34 9BD**

**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 Tiffany Sherriff against the decision of Bridgend County Borough Council.
  - The application Ref P/16/969/FUL, dated 30 November 2016, was refused by notice dated 3 April 2017.
  - The development is New single storey side/rear extension and first floor rear extension.
- 

### Decision

1. The appeal is allowed and planning permission is granted for New single storey side/rear extension and first floor rear extension at 1 Princess Street, Maesteg CF34 9BD, in accordance with the terms of the application, Ref P/16/969/FUL, dated 30 November 2016, subject to the following condition:
  - 1) The development shall be carried out in accordance with the following approved plans: Site Plan; Proposed rear extension – neighbours' elevation; Proposed downstairs kitchen extension and upstairs rear extension; Downstairs existing and proposed floor plans; Upstairs existing and proposed floor plans.

### Procedural Matters

2. The development has been largely completed and retrospective planning permission is therefore sought. I have amended the description of development accordingly.

### Main Issue

3. The main issue is the effect of the development on the living conditions of No 2 Princess Street, with particular regard to overbearing impacts.

### Reasons

4. The appeal dwelling lies at the northern extent of a terrace of two storey properties. Rear gardens within the terrace are narrow and separated from each other by low fences. The Wood Street frontage of the appeal site is marked by a block wall of modest height. The terrace as a whole is located on land which slopes gradually down towards the northeast.
-

5. The appeal property previously featured a 2 storey annex projecting from the rear elevation of the dwelling, attached to which was a further single storey element. The appeal scheme seeks to extend the previous single storey element upwards and provide a new single storey side/rear extension at the Wood Street elevation.
6. Amongst other things, the Council's adopted *Supplementary Planning Guidance 02 – Householder Development* (SPG) says that first floor extensions over existing single storey elements which adjoin a shared boundary are not advisable unless it is shown that they have no adverse effect on residential or visual amenity.
7. I was not able to gain access to No 2 and instead viewed the appeal site from the rear garden of No 3. I saw that No 2 features a single storey rear annex of modest depth which accommodates a kitchen. Light and outlook to this room is provided primarily by a window overlooking the rear garden. Two first floor windows, one of which appears to serve a bedroom, also face out towards the rear.
8. Viewed from No 2, the 2 storey annex of the appeal scheme, which extends for around 8 metres along the shared boundary, would be readily apparent. Nonetheless, views towards the appeal development from the neighbouring kitchen would be substantially oblique, due to the window's location within a rear annex and its position close to the boundary with No 3. From the neighbouring bedroom window, views of the rear extension would be more direct. This adjacent window is, however, located partially above the eaves of the appeal building, the pitched roof form of which would substantially moderate its mass when viewed from first floor level.
9. Furthermore, the relatively long rear gardens, absence of a built-up frontage on Wood Street and gradually sloping land allow uninterrupted views to be obtained from No 2 across the appeal site to the hillside beyond. This sense of openness serves to counter any perception of dominance that might otherwise arise from the siting of an annex of substantial length occupying the shared boundary. As a consequence I find that the appeal scheme does not harmfully overbear on, or dominate, habitable room windows of the neighbouring dwelling or its rear garden.
10. No windows overlook No 2 and, due to the position of the site north of the adjoining dwelling, there would be little effect on light levels. Having regard to the guidelines set out in the Council's SPG and the specific circumstances of the case, I conclude that the appeal development would not materially harm the living conditions of neighbouring occupants. It therefore accords with the aim of Policy SP2 of the Bridgend Local Development Plan to avoid adverse effects on the amenity of neighbouring occupiers, and is consistent with the general thrust of the Council's adopted SPG and Technical Advice Note 12 – Design.

## **Conclusion**

11. For the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be allowed.
12. In granting planning permission I have attached the standard plans condition, which is necessary in the interests of proper planning. In reaching my decision, I have taken into account the requirements of sections 3 and 5 of the Well-Being of Future Generations (Wales) Act 2015. I consider that this decision is in accordance with the Act's sustainable development principle through its contribution towards supporting safe, cohesive and resilient communities.

*Paul Selby* INSPECTOR