

APPEALS

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

CODE NO. D/18/3202925 (1832)
APPLICATION NO. P/18/118/FUL
APPELLANT MR A WILLIAMS
SUBJECT OF APPEAL FIRST FLOOR EXTENSION TO SIDE & LOFT CONVERSION
10 RHODFAR COED, MAESTEG
PROCEDURE HOUSEHOLDER
DECISION LEVEL DELEGATED OFFICER

The application was refused for the following reasons:

1. In the absence of adequate off street parking facilities the development would generate additional on street parking in and around the site, particularly in close proximity to the turning head of Rhodfa'r Coed to the detriment of highway and pedestrian safety contrary to Policies SP2 and PLA11 of Bridgend County Borough Council's Local Development Plan (2013).

CODE NO. X/18/3202838 (1833)
APPLICATION NO. P/17/932/LAE
APPELLANT TYTHEGSTON GREEN VENTURES LTD
SUBJECT OF APPEAL CERTIFICATE OF LAWFULNESS FOR AN EXISTING USE OF
LAND AND BUILDINGS AS A GASIFICATION PLANT (USE CLASS
B2)
NEWTON DOWN INDUSTRIAL ESTATE, TYTHEGSTON
PROCEDURE INQUIRY
DECISION LEVEL DELEGATED OFFICER

This appeal has been lodged against non-determination of the application. The appellants have recently re-submitted a new application for a Certificate of Lawfulness (Existing) for the site.

CODE NO. D/18/3203035 (1834)

APPLICATION NO. P/17/958/FUL

APPELLANT MR N G THOMAS

SUBJECT OF APPEAL RE-MODELLING OF DWELLING TO INCLUDE NEW ROOF SHAPE, ALTERATIONS, EXTENSION AND LOFT CONVERSION INCLUDING DORMERS; RAISING OF GROUND LEVELS TO ACCOMMODATE THE ERECTION OF A DETACHED GARAGE; INSTALLATION OF RETAINING WALLS TO SUPPORT CHANGE IN GROUND LEVELS
PENYBRYN, BRIDGEND ROAD, BRYNCETHIN

PROCEDURE HOUSEHOLDER

DECISION LEVEL DELEGATED OFFICER

The application was refused for the following reasons:

1. 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 and overshadowing form of development having a detrimental impact on the residential amenities of the occupiers of the neighbouring property, contrary to Notes 1 and 2 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)
2. The proposed first floor bedroom windows, by reason of their number and proximity to the boundary with the adjoining property to the south (Tre Thomas) would result in an overlooking impact to the detriment of the residential amenities of the neighbouring property, contrary to Note 6 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)
3. Insufficient details in respect of the retaining structure have been submitted to enable the structural soundness of the proposal to be properly evaluated by the Local Planning Authority, contrary to Policy SP2 of the Council's Local Development Plan (2013)

CODE NO. A/18/3203880 (1835)

APPLICATION NO. P/18/158/FUL

APPELLANT MR A WOODHALL

SUBJECT OF APPEAL DEMOLITION OF EXISTING FLATS AND CONSTRUCTION OF
NEW 5 BEDROOM DETACHED HOUSE WITH ATTIC ROOM AND
CAR PARKING

PROCEDURE WRITTEN REPRESENTATION

DECISION LEVEL DELEGATED OFFICER

The application was refused for the following reasons:

- 1 The proposal, by reason of its increased ridge height will be out of keeping with the adjoining properties and will have an unacceptable impact on the character and appearance of the area contrary to Policy SP2 of the Bridgend Local Development Plan, the Council Supplementary Planning Guidance SPG02: Householder Development, advice contained in Planning Policy Wales (Edition 9, November 2016) and Technical Advice Note 12 - Design (2016)
- 2 The proposed development, by reason of its height and proximity to boundary with The Glade, would have an unacceptable overbearing and overshadowing impact on the private rear garden and conservatory of that property, and having a detrimental impact on the residential amenities of the adjoining occupiers, contrary to Policy SP2 of the Policy SP2 of the Bridgend Local Development Plan, the Council Supplementary Planning Guidance SPG02: Householder Development.

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

CODE NO. A/18/3197583 (1821)

APPLICATION NO. P/17/906/FUL

APPELLANT MR GERALD EDWARDS

SUBJECT OF APPEAL PART CONVERSION OF EXISTING OUTBUILDING TO 1NO. HOLIDAY LET WITH ASSOCIATED EXTERNAL ALTERATIONS (RE-SUBMISSION)
THE COPPINGS, BRYNCETHIN, 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 the appeal decision is attached as **APPENDIX A**

CODE NO. A/18/3197604 (1822)

APPLICATION NO. P/17/1003/OUT

APPELLANT MR FRANCIS MCDONALD

SUBJECT OF APPEAL DETACHED 2 BEDROOM TWO STOREY DWELLING
(RESUBMISSION OF PREVIOUS REFUSAL): 2 HEOL Y BERLLAN
PYLE

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 the appeal decision is attached as **APPENDIX B**

CODE NO. A/18/3197570 (APPEAL A)
A/18/3197606 (APPEAL B)
A/19/3197617 (APPEAL C)

APPLICATION NO. P/17/1000/FUL
P/17/999/FUL
P/17/1001/FUL

APPELLANT MR & MRS T & C GREEN (APPEAL A)
B FROST & S ROGERS (APPEAL B)
MR & MRS B & C THOMAS (APPEAL C)

SUBJECT OF APPEAL INCLUSION OF AGRICULTURAL LAND WITHIN CURTILAGE OF
DWELLINGS
LAND REAR OF 51, 53 & 55 HIGH STREET, LALESTON

PROCEDURE WRITTEN REPRESENTATIONS

DECISION LEVEL DELEGATED OFFICER

DECISION THE INSPECTOR APPOINTED BY THE WELSH MINISTERS
TO DETERMINE THE APPEALS DIRECTED THAT THE APPEALS
BE DISMISSED.

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

CODE NO.	D/18/3201727 (1830)
APPLICATION NO.	P/17/465/FUL
APPELLANT	MR RYAN ELWARD
SUBJECT OF APPEAL	RETENTION OF DECKING TO THE REAR OF THE PROPERTY 9 BRYN COTTAGES, PONTYRHYL
PROCEDURE	HOUSEHOLDER
DECISION LEVEL	DELEGATED OFFICER
DECISION	THE INSPECTOR APPOINTED BY THE WELSH MINISTERS TO DETERMINE THIS APPEAL DIRECTED THAT THE APPEAL BE DISMISSED.

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

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

Penderfyniad ar yr Apêl

Ymweliad â safle a wnaed ar 01/06/18

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

Arolygydd a benodir gan Weinidogion Cymru

Dyddiad : 26 Mehefin 2018

Appeal Decision

Site visit made on 01/06/18

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

an Inspector appointed by the Welsh Ministers

Date : 26 June 2018

Appeal Ref: APP/F6915/A/18/3197583

Site address: The Coppings, Bryncethin, Bridgend, CF32 9YR

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 Gerald Edwards against the decision of Bridgend County Borough Council.
 - The application Ref P/17/906/FUL, dated 19 October 2017, was refused by notice dated 9 January 2018.
 - The development proposed is described as 'Part conversion of existing outbuilding to 1no. holiday let with associated external alterations (re-submission)'.
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Decision

1. The appeal is dismissed.

Background and Procedural Matters

2. Although the Council has stated in its submissions that the development would be detrimental to the living conditions of the occupants of the existing dwelling, its delegated report relates mainly to the effect of the development on the amenities of future occupants of the holiday let. That is, the Council does not provide any substantive evidence regarding the nature of the harm it considers the development would have on the living conditions of the existing residents, other than to say that a fence has been proposed in close proximity to the habitable room windows of the existing dwelling in order to protect the privacy of its occupants. As the fence may overcome any harm associated with the comings and goings of the future occupants of the holiday let, it seems to me that the Council's concern relates to the resultant impact of its siting on the outlook from the habitable room windows of the existing dwelling.

Main Issue

3. Against this background, the main issue is the effect of the proposed development on the living conditions of the occupants of the existing dwelling and the amenities of the future occupants of the holiday let.
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Reasons

4. The Coppings is a detached dormer bungalow set centrally in its plot with the garden on all sides, which lies within the settlement of Bryncethin. The proposal relates to part of an existing domestic outbuilding in the curtilage of the Coppings. The outbuilding is situated towards the rear of the existing dwelling, fronting onto the side garden. It has fenestration in its north, west and south facing elevations.
5. No physical works are proposed to the outbuilding itself that would significantly alter its scale, form, mass or siting. However, its part conversion would result in alterations to the existing fenestration in the north facing front elevation to facilitate the main entrance into the holiday let and the western elevation to serve the proposed bedroom. A new window is shown on the eastern elevation to serve the kitchen / dining area of the open plan living space, which would face onto the heavily vegetated common boundary with the neighbouring dwelling known as The Lodge.
6. In order to protect the privacy of the occupants of the host dwelling, a 1.8 metre high close boarded fence is proposed in the small gap between the side elevation of the outbuilding and the side elevation of the existing dwelling. The effect of this is that there would be a high fence sited approximately 1 metre from the bedroom window of the holiday let.
7. Clearly the nature and pattern of use, as a holiday let, is different from a permanent residential use. However, there should still be an expectation of a satisfactory level of amenity for future occupants, albeit on a short term basis, consistent with the aims of Policy SP11 of the adopted Bridgend Local Development Plan 2013 (LDP) which supports high quality tourist accommodation. LDP Policy SP2 also requires all development to create high quality, attractive, sustainable places, ensuring that the amenities of neighbouring uses are not adversely affected.
8. In this context, I note that the windows in the western elevation of the proposed holiday let would provide the only outlook from the bedroom. Given that the fence would be situated in such close proximity, I am concerned that it would create a dark and gloomy environment in this room.
9. The holiday let would have its principal outlook onto a fence which encloses a patio area some 4 metres in depth. Together with the high boundary fence to one side and the dense vegetated boundary to the other, this amenity area would be enclosed to the extent that it would create an oppressive environment. In my view, it would result in a poor outlook overall and would be likely to have limited use as a result. Furthermore, it would not represent a pleasant or welcoming approach to the holiday let from the parking spaces, which themselves would benefit from little natural surveillance.
10. The view from the habitable room windows in the eastern elevation of the existing dwelling would also be directly onto this fence, which would have a harmful effect on the residents' outlook. This further convinces me of the sensitive nature of the siting relationship between the existing dwelling and its outbuilding, and a proposal which fails to satisfactorily address this matter in its design.
11. It therefore leads me to the conclusion that the constraints of the site, and the layout and design of the proposal, are such that it would not create a satisfactory environment as a holiday let or protect the living conditions of the occupants of the existing dwelling. Consequently, it would not represent good design and the development would conflict with LDP Policies SP2 and SP11.

12. I also note the Council's concern that the close proximity to commercial premises, namely a Builders Merchants, would compromise the ability to provide high quality accommodation promoted by LDP Policy SP11. However, in my view, the unit is sited a sufficient distance away from the Builders Merchants, separated by a main highway, the curtilage of The Lodge and considerable boundary screening, such that this matter in itself would not justify withholding planning permission. Be that as it may, it does not outweigh the harm to the amenities of future occupants of the holiday let and the living conditions of the residents of the existing dwelling for the reasons I have already given.
13. I have had regard to the principles of sustainable development and I do not dispute that the development may have a positive contribution to make in economic terms and that the principle of tourism development may be acceptable; in this regard, I accept that it may well accord with some criteria of the relevant LDP policies. However, its effect on the amenities of future occupants of the holiday let and the living conditions of the occupants of the existing dwelling would result in the development failing to meet the overall sustainability objectives of the Development Plan and Planning Policy Wales.
14. The appellant argues that the occupancy of the holiday let could be controlled by way of a condition and that market forces would determine whether the scheme proves sufficiently attractive to potential customers. I do not consider that a condition would overcome the harm that I have identified. Neither does the ability for future occupants of the holiday let to choose whether they wish to stay or not justify what is otherwise an unacceptable form of development. The aim of the Council's policies is *inter alia* to encourage a better environment and quality of life for existing and future occupants and, for the reasons I have given, the development fails in this regard.

Conclusions

15. In conclusion, and having regard to all matters raised, the appeal is dismissed.
16. 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



Penderfyniad ar yr Apêl

Ymweliad â safle a wnaed ar 18/06/18

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

Arolygydd a benodir gan Weinidogion Cymru

Dyddiad: 05/07/18

Appeal Decision

Site visit made on 18/06/18

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

an Inspector appointed by the Welsh Ministers

Date: 05/07/18

Appeal Ref: APP/F6915/A/18/3197604

Site address: 2 Heol Y Berllan, Pyle, Bridgend, CF33 6LE

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 Francis McDonald against the decision of Bridgend County Borough Council.
 - The application Ref: P/17/1003/OUT, dated 15 December 2017, was refused by notice dated 6 February 2018.
 - The development proposed is detached two bedroom two storey dwelling (resubmission of previous refusal).
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Decision

1. The appeal is dismissed.

Procedural Matters

2. I have taken the description of development from the Council's Notice of Decision as it provides a more concise and accurate description than that outlined on the original planning application form. As the amended description is consistent with that outlined on the Appeal Form, I am satisfied that there would be no prejudice in this respect.
3. The application was submitted in outline with all matters reserved for subsequent approval. There is sufficient information provided to deal with the appeal on this basis.

Main Issues

4. These are: whether the development would provide acceptable living conditions for the occupiers of neighbouring residential properties and the future occupiers of the proposed dwelling, with particular reference to levels of outlook, natural light, privacy and amenity space; and whether the development would make provision for the satisfactory drainage of surface water.

Reasons

5. The appeal relates to a broadly rectangular parcel of land located to the rear of No.2 Heol Y Berllan in Pyle. The site currently forms part of the residential curtilage of No.2, although the appeal proposal seeks outline planning permission to sub-divide that plot and to erect a detached two bedroom two storey dwelling fronting
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Simpson's Way. The dwelling would be between 6 and 6.5 metres in length, 5 and 6 metres in width and would incorporate a height of between 8 and 9 metres. Vehicular and pedestrian access would be achieved via the existing vehicular access point off Simpson's Way.

Living Conditions

6. I was able to confirm at my site inspection that, by virtue of the proposed scale and siting, the development would result in significant overbearing and overshadowing impacts upon the occupiers of No.2. Indeed, such impacts would be exacerbated by the orientation of the proposed dwelling to the south of No.2. Such impacts would be further exaggerated by the fact that the proposed dwelling would be located at a higher ground level than the existing dwelling. Details of fenestration are reserved for subsequent determination. However, the combination of the scale and siting of the proposed dwelling within such close proximity to the shared boundary with No.4 Heol Y Berllan would mean that it is likely that the proposed dwelling would also result in significant overlooking of the rear amenity space of that property. Collectively, such concerns lead me to conclude that the proposed development would cause material harm to the living conditions of the occupiers of neighbouring residential properties, with particular reference to levels of outlook, natural light and privacy.
7. In addition to such concerns, the rear amenity space serving the proposed dwelling would be significantly overlooked by virtue of its close proximity to the habitable room windows located in the rear elevation of No.2. This means that the proposed development would lack suitable private amenity space and would thereby fail to provide acceptable living conditions for future occupiers of the property.
8. I therefore conclude that the proposed development would run counter to the general thrust of Policy SP2 of the Bridgend Local Development Plan 2006- 2021 (adopted 2013) (LDP). It would also conflict with Notes 1, 2, 6 and 8 of the Council's adopted Supplementary Planning Guidance entitled '*SPG02: Householder Development*' (2008) which respectively relate to outlook, overshadowing, privacy and garden areas. For the same reasons, it would also run counter to the general thrust of the advice contained within national planning policy, including that set out in Planning Policy Wales (Edition 9, Nov 2016) (PPW).

Surface Water Drainage

9. Given the fact that the scheme represents a form of infill development, there is sufficient doubt as to whether surface water could adequately drain to a soakaway. The Council has objected on such grounds and, in the absence of any information to satisfactorily evaluate the effect of such matters, I have no reason to come to an alternative conclusion. The development therefore runs counter to the general thrust of national planning policy, including that set out in PPW and Technical Advice Note 15: *Development and Flood Risk* (2004) (TAN15).

Overall Conclusions

10. Based on the foregoing, I have found that the proposed development would cause material harm to the living conditions of the occupiers of neighbouring residential properties and fail to provide adequate living conditions for future occupiers of the proposed dwelling. I have also found that inadequate information has been provided to effectively evaluate the implications of surface water drainage. I have fully considered all material considerations advanced in favour of the appeal. However, I have seen nothing that individually or cumulatively outweighs the aforementioned

concerns. For these reasons, and having considered all matters raised, I conclude that the appeal should be dismissed.

11. 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 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, as required by section 8 of the WBFG Act.

Richard E. Jenkins

INSPECTOR



Penderfyniad ar yr Apêl

Ymweliad â safle a wnaed ar 18/06/18

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

Arolygydd a benodir gan Weinidogion Cymru

Dyddiad: 10/07/18

Appeal Decision

Site visit made on 18/06/18

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

an Inspector appointed by the Welsh Ministers

Date: 10/07/18

Appeal A - Ref: APP/F6915/A/18/3197570

Site address: Land rear of 55 High Street, Laleston, Bridgend, CF32 0HL

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 and Mrs T & C Green against the decision of Bridgend County Borough Council.
 - The application Ref: P/17/1000/FUL, dated 23 November 2017, was refused by notice dated 22 January 2018.
 - The development proposed is the inclusion of agricultural land within curtilage of dwelling.
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Appeal B - Ref: APP/F6915/A/18/3197606

Site address: Land to the rear of 53 High Street, Laleston, Bridgend, CF32 0HL

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 & Miss Billy and Sarah Frost and Rogers against the decision of Bridgend County Borough Council.
 - The application Ref: P/17/999/FUL, dated 23 November 2017, was refused by notice dated 22 January 2018.
 - The development proposed is the inclusion of agricultural land within curtilage of dwelling.
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Appeal C - Ref: APP/F6915/A/18/3197617

Site address: Land to the rear of 51 High Street, Laleston, Bridgend, CF32 0HL

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 B & C Thomas against the decision of Bridgend County Borough Council.
 - The application Ref: P/17/1001/FUL, dated 23 November 2017, was refused by notice dated 22 January 2018.
 - The development proposed is the inclusion of agricultural land within curtilage of dwelling.
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Decision

Appeal A - Ref: APP/F6915/A/18/3197570

1. The appeal is dismissed.

Appeal B - Ref: APP/F6915/A/18/3197606

2. The appeal is dismissed.

Appeal C - Ref: APP/F6915/A/18/3197617

3. The appeal is dismissed.

Procedural Matters

4. As set out in the header above, the three appeals relate to Nos. 51¹, 53² and 55³ High Street in Laleston, Bridgend. Whilst the appeals relate to different parcels of land, each of the proposals seek to include agricultural land to the rear of the respective properties within the associated residential curtilages. The development proposals have been submitted in a coordinated manner, with the same grounds of appeal advanced in each case. Accordingly, whilst I shall determine each proposal on its own individual merits, to avoid any duplication, I shall report on the three schemes together in a single document, albeit with three separate formal decisions.

Main Issues

5. These are: whether the development proposed is acceptable in principle, having particular regard to the planning policy framework; the effect of the proposed development upon the character and appearance of the area, including whether the development would preserve or enhance the character or appearance of the Conservation Area; and the effect of the proposed development upon the openness of the Green Wedge, including whether any identified harm would be clearly outweighed by very exceptional circumstances.

Reasons

6. Each of the parcels of land proposed for inclusion within the residential curtilages of the above properties is located outside of the settlement boundaries defined by Policy PLA1: '*Settlement Hierarchy and Urban Management*' of the adopted Bridgend Local Development Plan (2013) (LDP). The land is therefore classified as 'countryside' for the purposes of planning. Policy ENV1: '*Development in the Countryside*' seeks to ensure that development is strictly controlled within such locations. Indeed, the extension of residential land into such areas is not identified as a policy exemption to the general presumption against development in such areas. The principle of development therefore runs counter to the strategy of the adopted development plan.
7. The land is also located within the Bridgend and Laleston Green Wedge as defined by Policy ENV2(4): '*Development in Green Wedges*' of the adopted LDP. That policy states that development that causes or contributes to the coalescence of settlements, or reduces the openness of land between settlements, will not be permitted. Planning Policy Wales (Edition 9, 2016) (PPW) sets a similar stance at a national level, specifically stating that the most important attribute of a Green Wedge is its

¹ Appeal C

² Appeal B

³ Appeal A

openness. That same document also goes on to clarify that within such designations there will be a presumption against inappropriate development which, by definition, would be harmful to a Green Wedge.

8. I have not seen anything to indicate that the proposed extension of the residential curtilages outside of an established settlement would fall outside of the definition of inappropriate development. Moreover, even if permitted development rights were to be removed and the detail of the proposed boundary treatments to be controlled via the imposition of suitably worded planning conditions, there is little doubt in my mind that the proposed changes of use would both individually and cumulatively have an incremental urbanising impact that would fail to maintain the openness of the existing agricultural field. It therefore follows that the development would run counter to the legitimate aim of including the land within the Green Wedge designation.
9. PPW states that inappropriate development within Green Wedges should not be granted planning permission except in very exceptional circumstances where other material considerations clearly outweigh the harm. I have fully considered the matters raised by the appellants. Specifically, I note the lack of uniformity to the settlement boundary in Laleston and acknowledge the fact that the garden areas would be largely screened from public vantage points. However, given the incursion into open land I do not consider that the development proposed falls within the category of 'infill development' and it is well-established that the concept of openness should not be confined to public viewpoints. I have fully noted the benefits associated with the provision of additional amenity space at the properties. However, having regard to the existing levels of amenity space at each of the properties, I do not consider that such matters merit significant weight in the planning balance. As such, and bearing in mind the fact that PPW states that substantial weight should be attributed to any harmful impacts to Green Wedge designations, I do not consider that the adverse consequences of allowing the appeal would be clearly outweighed by very exceptional circumstances, as required by PPW.
10. The land in question is also located within the Laleston Special Landscape Area (SLA), as defined by Policy ENV3(7): '*Special Landscape Areas*' of the adopted LDP. Whilst PPW states that SLA designations should not unduly restrict acceptable development, the development proposed in this case would undoubtedly have an urbanising impact on the rural character of the agricultural field and thereby run counter to the aims of that designation. Similarly, the existing rear boundary walls of Nos. 51, 53 and 55 form the boundary to the Laleston Conservation Area, as referred within Policy SP5(2): '*Conservation of the Built and Historic Environment*' of the adopted LDP. Such a feature is considered to form part of the special interest of the Conservation Area and would be lost as a consequence of the development. I therefore concur with the Council's assessment that the development would also run counter to the general thrust of Policy SP5 and the statutory duty arising from the Planning (Listed Buildings and Conservation Areas) Act 1990 which requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of the Conservation Area.
11. Based on the foregoing, I conclude that the proposed development would represent an urbanising and unjustified form of development within the countryside that would fail to maintain the openness of the Green Wedge and fail to preserve or enhance the character or appearance of the Conservation Area. Such concerns are not clearly outweighed by matters that comprise very exceptional circumstances. The development therefore runs counter to the general thrust of Policies PLA1, ENV1, ENV2(4), ENV3(7) and SP5(2) of the adopted LDP. For the same reasons, it would also run counter to the general thrust of national planning policy and fail to satisfy the

statutory duty under the Planning (Listed Buildings and Conservation Areas) Act. Therefore, having considered all matters raised, I conclude that the appeals should be dismissed.

12. In coming to these conclusions, 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 consider that these decisions are in accordance with the sustainable development principle through its contribution towards one or more of the Welsh Ministers well-being objectives, as required by section 8 of the WBFG Act.

Richard E. Jenkins

INSPECTOR

Penderfyniad ar yr Apêl

Ymweliad â safle a wnaed ar 12/06/18

gan Vicki Hirst BA(Hons) PG Dip TP
MA MRTPI

Arolygydd a benodir gan Weinidogion Cymru

Dyddiad: 28/06/2018

Appeal Decision

Site visit made on 12/06/18

by Vicki Hirst BA(Hons) PG Dip TP MA
MRTPI

an Inspector appointed by the Welsh Ministers

Date: 28/06/2018

Appeal Ref: APP/F6915/D/18/3201727

Site address: 9 Bryn Cottages, Pontyrhyl, Bridgend, Mid Glamorgan, CF32 8PX.

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 Ryan Elward against the decision of Bridgend County Borough Council.
 - The application Ref P/17/465/FUL, dated 26 May 2017, was refused by notice dated 21 March 2018.
 - The development proposed is the building of decking at the rear of the house.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The description of development in the heading above has been taken from the planning application form. It is noted that the Council has used a different description in its decision notice referring to the "retention" of the decking. Neither of the main parties has provided written confirmation that a revised description has been agreed. Accordingly I have used the one given in the original application.
3. Nonetheless, it is evident that the construction of the decking has been commenced although at the time of my visit was not complete. As such I have determined the appeal on the basis that it seeks partially retrospective permission for the erection of decking.

Main Issue

4. The main issue is the effect of the development on the character and appearance of the area.

Reasons

5. The appeal dwelling is located within a row of terrace houses situated fronting the A4064 in Pontyrhyl. The rear of the property overlooks the surrounding valley with a steeply sloping garden dropping to a public footpath laid to grass and a tarmac path following the railway line beyond. To the south west lies a further row of terraced

properties, Station Row, located on much lower ground at the foot of the valley. Station Row connects with the public footpaths. There are several stepped pathways that provide access between the A4064 on the higher level and Station Row below.

6. Whilst the frontage of the appeal terrace has a relatively consistent rhythm and form in design terms, I noted on my site visit that the rear of the properties in the terrace have been altered and extended with a number of variants in design and form. This provides a somewhat confusing and random appearance. Nonetheless, the steeply sloping gardens, in the main, have been utilised with level patio areas close to the house and grassed or planted terracing of the lower gardens. A number remain with a sloping gradient. Away from the houses, the gardens predominantly retain established vegetation and an overall verdant appearance. This provides a soft edge to the footpaths that lie immediately behind the appeal site.
7. The decking is provided on three different tiered levels. The top two levels closest to the rear of the house do not form part of the development before me. The third level, the subject of this appeal, is located on a lower level and projects beyond the two other decks to the furthest extremity of the garden from the house adjacent to the public footpath. The deck is an irregular shape to take advantage of the full shape and extent of the garden and is elevated above the surroundings.
8. The decking projects considerably beyond the extent of other patios and terraced areas within the terrace and results in the total garden being covered with decking. Its considerable projection out from the rear of the house results in it appearing divorced from the property that it relates to and has little visual relationship with the surrounding built form. This is emphasised by its position between the more verdant and vegetated part of the surrounding gardens. It is visible from neighbouring properties and the wider surrounds.
9. Furthermore, it is elevated above the surroundings due to the sloping ground beneath and as a result of its height and proximity it dominates the section of footpath immediately to the rear. The decking is in stark contrast to the remainder of the route which provides a pleasant outlook across the adjacent gardens to one side and the tree covered valley to the other. I find the decking to be an imposing and dominating feature within the surroundings and which is harmful to the character and appearance of the area. This harm would not be materially altered by its completion with light wood, feather edged fencing and astro turf.
10. I note the appellant's desire to provide a safe place for children to play in. Whilst this is acknowledged, I have no reason to believe that the garden could not be altered in a different way to provide a safe play space without the associated harm that this particular development causes. I also note the reference to another refusal and dismissed appeal for decking at No 29 Bryn Terrace¹. I have not been provided with the full details or the appeal decision, but I note from the information that has been provided that the decking was materially different to the development before me in that it was proposed closer to the house with access to the rear garden area. It was also determined prior to the adoption of the current development plan. Notwithstanding, I am required to consider the particular development before me and this decision does not alter my conclusions with regard to the harm that I find would arise from this development in its own specific context.
11. Policy SP2 of the adopted Bridgend Local Development Plan (2013) (the LDP) and Householder Supplementary Planning Guidance (SPG) require, amongst other things,

¹ LPA Ref: P/02/735/FUL

development to have a design of the highest quality possible whilst respecting and enhancing local character and distinctiveness and landscape character, be of an appropriate scale, size and prominence, and to be of a high standard that will result in a benefit in environmental and landscape terms and create a positive area image and sense of local identity. For the reasons given above, I conclude that the development would not be in accord with the requirements of the relevant policy SP2 of the LDP and related SPG.

12. The Council has referred me to policies in the LDP that are concerned with the impact of development on residential amenity and privacy. Nonetheless I concur with the Council's view that given the position of the decking on the lower slopes of the garden that there is no unacceptable degree of overlooking to other properties. Given that the decking is located at a considerably lower level than the adjacent houses and some distance from any habitable windows, I do not find that the development causes any significant overbearing effect to the living conditions of the occupants of nearby dwellings. Notwithstanding, this does not outweigh my conclusions on the main issue.
13. I have had regard to all other matters raised, including the lack of objection by other consultees within the Council, the support from the next door neighbour and the withdrawal of objection to the scheme by a nearby resident. However, no matters outweigh the harm that I have identified arises from the current development. For the reasons above I dismiss the appeal.
14. In reaching this decision, I have taken into account the requirements of sections 3 and 5 of the Well Being of Future Generations (Wales) Act 2015. I consider that this decision is in accordance with the Act's sustainable development principle through its contribution towards one or more of the Welsh Minister's well-being objectives as required by section 8 of the WCFG Act.

Vicki Hirst

INSPECTOR