

## **APPEALS**

### **The following appeal has been received since my last report to Committee:**

<b>CODE NO.</b>	A/18/3207624 (1836)
<b>APPLICATION NO.</b>	P/18/233/OUT
<b>APPELLANT</b>	MS J GREGORY
<b>SUBJECT OF APPEAL</b>	OUTLINE APPLICATION FOR A TWO STOREY DWELLING ATTACHED TO 15 ELM CRESCENT
<b>PROCEDURE</b>	WRITTEN REPRESENTATIONS
<b>DECISION LEVEL</b>	DELEGATED OFFICER

The application was refused for the following reasons:

1. The proposed dwelling, by reason of its proposed scale parameters, location and siting represents an incongruous and unbalancing addition into the street scene which will have a significant adverse visual impact on the character, openness and appearance of this part of the residential area contrary to Policy SP2 of the Bridgend Local Development Plan (2013) and advice contained in Planning Policy Wales (Ed.9, 2016) and Technical Advice Note 12: Design.

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

<b>CODE NO.</b>	A/18/3197614 (1826)
<b>APPLICATION NO.</b>	P/17/439/FUL
<b>APPELLANT</b>	MR SAM REES
<b>SUBJECT OF APPEAL</b>	ERECT 3 DETACHED DWELLINGS AND ASSOCIATED WORKS: LAND ADJ TY GWYN, HEOL Y GRAIG, PORTHCAWL
<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 the appeal decision is attached as **APPENDIX A**

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**CODE NO.** A/18/3198111 (1827)  
**APPLICATION NO.** P/17/891/FUL  
**APPELLANT** MR F & H JANES  
**SUBJECT OF APPEAL** TWO STATIC RESIDENTIAL GYPSY CARAVANS; DAY/UTILITY ROOM, 2 TOURING CARAVANS & RELOCAT ACCESS/DRIVEWAY: FORMER PLAYGROUND, FOUNTAIN TERRACE, ABERKENFIG  
**PROCEDURE** WRITTEN REPRESENTATIONS  
**DECISION LEVEL** DELEGATED OFFICER  
**DECISION** THE INSPECTOR APPOINTED BY THE WELSH MINISTERS TO DETERMINE THIS APPEAL DIRECTED THAT THE APPEAL BE ALLOWED SUBJECT TO CONDITIONS.

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

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**CODE NO.** A/18/3200227 (1828)  
**APPLICATION NO.** P/17/777/FUL  
**APPELLANT** PENYBONT REAL ESTATE CO LTD  
**SUBJECT OF APPEAL** CONVERSION OF 3 LOCK-UP GARAGES INTO SMALL SHOP GARAGES TO REAR OF 67 JOHN STREET, PORTHCAWL  
**PROCEDURE** WRITTEN REPRESENTATIONS  
**DECISION LEVEL** DELEGATED OFFICER  
**DECISION** THE INSPECTOR APPOINTED BY THE WELSH MINISTERS TO DETERMINE THIS APPEAL DIRECTED THAT THE APPEAL BE DISMISSED.

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

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**CODE NO.** A/18/3200555 (1829)  
**APPLICATION NO.** P/17/563/OUT  
**APPELLANT** MRS SIAN LEWIS  
**SUBJECT OF APPEAL** NEW DWELLING  
LAND OFF ALBANY ROAD PONTYCYMMER  
**PROCEDURE** WRITTEN REPRESENTATIONS  
**DECISION LEVEL** DELEGATED OFFICER  
**DECISION** THE INSPECTOR APPOINTED BY THE WELSH MINISTERS

TO DETERMINE THE APPEALS DIRECTED THAT THE APPEALS  
BE ALLOWED SUBJECT TO CONDITIONS

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

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

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

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<b>CODE NO.</b>	D/18/3203035 (1834)
<b>APPLICATION NO.</b>	P/17/958/FUL
<b>APPELLANT</b>	MR N G THOMAS
<b>SUBJECT OF APPEAL</b>	RE-MODELLING OF DWELLING TO INCLUDE NEW ROOF SHAPE, ALTERATIONS, EXTENSION & LOFT CONVERSION INCLUDING DORMERS; RAISING OF GROUND LEVELS TO ACCOMMODATE ERECTION OF DETACHED GARAGE; INSTALLATION OF RETAINING WALLS TO SUPPORT CHANGE IN GROUND LEVELS PENYBRYN, BRIDGEND ROAD, BRYNCETHIN
<b>PROCEDURE</b>	HOUSEHOLDER APPEAL
<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 the appeal decision is attached as **APPENDIX F**

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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)



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## Penderfyniad ar yr Apêl

Ymweliad â safle a wnaed ar 18/06/18

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

Arolygydd a benodir gan Weinidogion Cymru

Dyddiad: 17.07.2018

## Appeal Decision

Site visit made on 18/06/18

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

an Inspector appointed by the Welsh Ministers

Date: 17.07.2018

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**Appeal Ref: APP/F6915/A/18/3197614**

**Site address: Land adjacent to Ty Gwyn, Heol Y Graig, Newton, Bridgend**

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

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mr Sam Rees against the decision of Bridgend County Borough Council.
  - The application Ref: P/17/439/FUL, dated 19 May 2017, was refused by notice dated 9 January 2018.
  - The development proposed is the erection of 3no. detached dwellings and associated works.
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### Decision

1. The appeal is dismissed.

### Procedural Matter

2. During the processing of the planning application, revised plans were submitted. The Council determined the application based on the amended plans and I shall consider the appeal on the same basis.

### Main Issues

3. These are: whether the proposed development would provide acceptable living conditions for future occupiers of the proposed dwellings; whether the proposed development would provide acceptable living conditions for the occupiers of existing residential properties; and whether a financial contribution is necessary to meet affordable housing requirements.

### Reasons

4. The appeal relates to an irregular shaped parcel of land accessible off Bridgend Road via a single track lane known as Heol Y Graig, in Newton, Porthcawl. The site wraps around an existing residential dwelling known as Ty Gwyn and is located within the Newton Conservation Area. The appeal proposal seeks full planning permission for the erection of three large detached dwellings with associated landscaping and off-street parking. The proposed dwellings would be broadly L-shaped and would be accessed via a shared access area located between the proposed dwellings and the existing residential properties known as No. 17 Cranage and Nos. 2 and 4 Cleviston Gardens.
  5. The Council does not object to the principle of development and considers that the development would preserve the character and appearance of the Conservation Area.
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As I have not seen anything to lead me to a different conclusion on such a matter, I shall confine my reasoning to the principal matters of dispute and the issue of whether or not a financial contribution towards the provision of affordable housing is necessary to make the proposal acceptable in planning terms.

6. In terms of the issue of living conditions, I am satisfied that the proposed scheme would, by virtue of its development to plot ratios, provide for a satisfactory quantum of outdoor amenity space at each of the proposed dwellings. I am also satisfied that, by virtue of the vast area of amenity space proposed at Plot No.1, and the angle of outlook from the neighbouring Greyfriars Court, a sufficient proportion of the outdoor space at that property could be utilised as a private amenity area. There is little doubt that the combination of the limited distance between Plot Nos. 2 and 3 and the proposed first floor window arrangements at Plot No.3 would lead to a lack of private outdoor space at Plot No.2. Indeed, the space to the south of the dwelling at Plot No.2 would be significantly overlooked by the first floor window located in the northernmost elevation of Plot No.3. Similarly, the first floor window separation distances between habitable room windows at Plot Nos. 2 and 3 would also fall short of the 21 metres prescribed by the Council's adopted Supplementary Planning Guidance SPG 02: *Householder Development* (SPG). However, as the imposition of a suitably worded planning condition requiring the window in the northernmost gable of Plot No.3 to be obscurely glazed would satisfactorily mitigate such concerns, I do not consider that such matters merit the refusal of planning permission.
7. The Council has not objected to the proposed development on the basis of its effect on the living conditions of the occupiers of existing residential properties, although a number of representations opposing the scheme have been received from interested parties. In response to those matters, I am satisfied that, by virtue of the siting and orientation of the proposed dwellings relative to the existing properties within the area, there would not be any significant overshadowing impacts or any material loss of light at any of the nearby residential properties. Moreover, by reason of the combination of the siting of the proposed dwellings, the specific location of the habitable rooms within each of the proposed dwellings and the potential requirement for obscured glazing to be utilised through planning conditions, I do not consider that the proposed development would result in a material loss of privacy at existing properties. Moreover, as there is no legal right to a view over land in separate ownership, I can only attribute limited weight to such matters.
8. I therefore find that, subject to the imposition of suitably worded planning conditions, the proposed development would provide for acceptable living conditions for future occupiers of the proposed dwellings. I also find that the concerns raised in relation to the effect of the proposed development upon the living conditions of the occupiers of neighbouring residential properties are largely unsubstantiated. The development would therefore be broadly compliant with Policy SP2 of the adopted Bridgend Local Development Plan (2013) (LDP) and the associated advice contained within the aforementioned SPG document.
9. Nevertheless, Policy SP14 of the adopted LDP requires developers to provide planning obligations or contributions if they are deemed necessary. In this case, the evidence indicates that Policy COM5 of the adopted LDP requires 30% of the dwellings to comprise affordable housing. Given the number of dwellings proposed in this case, there appears to be agreement between the main parties that a financial contribution in lieu of on-site affordable housing would be appropriate should planning permission be granted and I have not seen anything to lead me to a different conclusion on such a matter. It is also material to note that I have not seen anything to indicate that

such a policy requirement is unnecessary or that it would otherwise conflict with the statutory and policy tests applicable to such planning obligations.

10. A suitable legal agreement or unilateral undertaking under Section 106 of the above Act has not been submitted with the appeal proposal, however, and such contributions cannot be addressed through the use of planning conditions. It therefore follows that the agreement between the parties over such a matter, as referred within the Council's evidence, should not be attributed weight in the determination of the appeal. Without such contributions, the proposed development would be contrary to the general thrust of Policy SP14 and Policy COM5 of the adopted LDP and, for the same reasons, would also conflict with the ministerial priority of delivering affordable housing through the planning system as prescribed by Planning Policy Wales (Edition 9, 2016) (PPW) and Technical Advice Note 2: *Planning and Affordable Housing* (2006) (TAN2). Indeed, in light of the absence of any information to justify a deviation from such an established policy position, I find the lack of such an obligation to represent a compelling reason why planning permission should be withheld.
11. For these reasons, and having considered all matters raised, I conclude that the appeal should be dismissed. 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



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## Penderfyniad ar yr Apêl

Ymweliad â safle a wnaed ar 18/06/18

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

Arolygydd a benodir gan Weinidogion Cymru

Dyddiad: 20.07.2018

## Appeal Decision

Site visit made on 18/06/18

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

an Inspector appointed by the Welsh Ministers

Date: 20.07.2018

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**Appeal Ref: APP/F6915/A/18/3198111**

**Site address: Land at the Former Playground, Fountain Terrace, Aberkenfig, Bridgend, CF32 0EW**

**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 F and H Janes against the decision of Bridgend County Borough Council.
  - The application Ref: P/17/891/FUL, dated 18 October 2017, was refused by notice dated 12 February 2018.
  - The development proposed is two static residential gypsy caravans together with the erection of a day/ utility room, two touring caravans and relocated access driveway.
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### Decision

1. The appeal is allowed and planning permission is granted for two static residential gypsy caravans together with the erection of a day/ utility room, two touring caravans and relocated access driveway at land at the Former Playground, Fountain Terrace, Aberkenfig, Bridgend, CF32 0EW in accordance with the terms of the application, Ref: P/17/891/FUL, dated 18 October 2017, and the plans submitted with it, subject to the conditions set out in the attached schedule.

### Procedural Matters

2. During the processing of the planning appeal, the Welsh Government (WG) issued Circular 005/2018: *'Planning for Gypsy, Traveller and Showpeople Sites'* (June 2018) (WG Circular 005/2018). That document supersedes the advice contained within WG Circular 30/2007: *'Planning for Gypsy and Traveller Caravan Sites'*. Given the significance of that document, the main parties have been provided with the opportunity to make written submissions on the updated policy position prior to the issuing of this decision.
  3. The fact that the appellants comprise Gypsies and Travellers, as defined by WG Circular 005/2018, is a matter of common ground. The evidence leads me to concur with this agreed position and it is on this basis that I shall determine the appeal. The policy framework relating to Gypsy and Travellers is, therefore, engaged.
  4. The residential use of land for the stationing of caravans had commenced by the time I undertook my site inspection. 'Retrospective planning permission' is therefore sought under Section 73A(2)(a).
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## Main Issues

5. These are: whether the principle of development is justified in its countryside location, having particular regard to the principles of sustainable development and the effect of the development upon the character and appearance of the area; and whether the matters advanced in favour of the appeal outweigh any identified harm.

## Reasons

6. The appeal relates to a broadly rectangular parcel of land that fronts Fountain Road (B4281), approximately 1 kilometre from the settlement of Aberkenfig near Bridgend. The site formerly comprised a play area owned by the Council although, following a change of ownership, that use has since ceased with the associated structures removed from the land. The site rises gently from the public highway, is bordered to the rear by mature woodland and is flanked by existing residential properties known as Cwm Llwydrew and Fountain Bungalow. The appeal proposal seeks planning permission for the residential use of the land to facilitate the stationing of two static residential gypsy caravans, together with two touring caravans and the erection of a day/ utility room. The existing access into the site would also be relocated as part of the development and the site frontage would be subject to a comprehensive scheme of hard and soft landscaping.
7. Despite the fact that the site is located within a hamlet, the Bridgend Local Development Plan 2006-2021 (Adopted 2013) (LDP) classifies the site as countryside for the purposes of planning. Consistent with national planning policy, the adopted LDP advocates strict control in such areas, although the provision of Gypsy and Traveller accommodation is cited as a potential exception to such strict control by the provisions of criterion (10) of LDP Policy ENV1. LDP Policy COM6: '*Gypsy and Traveller Sites*' provides a further criteria based policy against which specific proposals for new Gypsy and Traveller sites should be assessed. Such provisions are broadly consistent with the advice set out in the recently published WG Circular 005/2018 which states that: "*Sites in the countryside, away from existing settlements, can be considered for Gypsy and Traveller sites if there is a lack of suitable sustainable locations within or adjacent to existing settlement boundaries. In assessing the suitability of such sites, local authorities should be realistic about the availability, or likely availability, of alternatives to the car in accessing local services. Over rigid application of national or development plan policies that seek a reduction in car borne travel in order to effectively block proposals for any Gypsy and Traveller Site in a countryside location would be inappropriate*"<sup>1</sup>.
8. Despite the fact that Bridgend County Borough Council's Gypsy and Traveller Accommodation Assessment (2016) (GTAA) concluded that there is no requirement for additional pitches in Bridgend up to 2021, I have no reason to conclude that the need identified in this case is anything but genuine. Indeed, in light of the evidence confirming that the proposed beneficiaries are homeless, I consider such a need to be of considerable importance. The Housing (Wales) Act 2014 imposes a statutory duty on local authorities to provide sites for Gypsies and Travellers where a need has been identified and the Council acknowledges that there are no public sites within its jurisdiction that could satisfy the identified need. There is little doubt that the evidence submitted on behalf of the appellant in relation to the sequential order of preference of sites advocated through criterion (2) of Policy COM6 is limited. However, it is well established that there is no requirement for site proponents to

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<sup>1</sup> Paragraph 39



prove non-availability of other sites and, similarly, no evidence has been submitted to demonstrate the availability, affordability and suitability of other alternative sites. I have already set out above that the site is located within an area comprising residential development and, given that it is located along a main road served by public transport and only a few kilometres away from the settlements of Aberkenfig and Bridgend, I do not consider that the development would be unacceptable on the grounds of sustainability. Such matters therefore weigh substantially in favour of the appeal.

9. There is little doubt that the development would alter the rural character of the site itself. Indeed, notwithstanding the former use of the site, without the unauthorised structures, the land would remain largely undeveloped and would have an open and rural appearance. Nevertheless, the site is located between existing developments and opposite a substantial area of hardstanding. Moreover, it cannot be ignored that the proposed development would incorporate a substantial and integrated scheme of landscaping that could be conditioned to ensure that it is implemented to the satisfaction of the Local Planning Authority (LPA). The site is not designated as a green belt or green wedge and, as such, I do not consider that the loss of openness that may arise as a result of such landscaping should be determinative. On this basis, and bearing in mind the fact that the structures on site would be single storey and largely temporary in nature, I am satisfied that matters relating to landscape and visual impact could be satisfactorily mitigated to prevent material harm to the character and appearance of the area. I have fully considered the planning history at the site, including the decision made by an Inspector at a previous planning appeal. However, the appeal decision referred within the Council's evidence relates to a proposal for a permanent residential dwelling and, whilst I am not aware of the specific circumstances of that case, I am satisfied that the differences in the types of development proposed materially differentiates the two cases.
10. I have considered all other matters raised, including the substantial number of issues raised by interested parties. However, I have not seen any cogent evidence to persuade me to deviate from the Council's conclusions that the development would, subject to the imposition of planning conditions, have an acceptable impact on both pedestrian and highway safety. Indeed, such a finding was reinforced by my own assessment undertaken at the time of my site visit. The satisfactory drainage of the site, as well as the concerns relating to commercial activities being undertaken on the land, could also be effectively dealt with via the use of planning conditions. Moreover, I have not seen anything that would indicate that the development would fail to comply with the legislative and policy framework relating to biodiversity and ecology. Concerns raised in relation to the effect of the development upon the living conditions of neighbouring residential properties are largely unsubstantiated and covered by separate legislation. Finally, in accordance with the advice set out in national policy, the effect of the proposed development upon nearby property values is not a material planning consideration.
11. Based on the foregoing I find that, having regard to the specific considerations advanced in favour of the scheme, the development is acceptable in principle. I also find that, subject to the imposition of suitably worded planning conditions, the development would be acceptable in terms of its effect upon the character and appearance of the area. It therefore follows that the development would be broadly compliant with Policy COM6, Policy ENV1 and Policy SP2: '*Design and Sustainable Place Making*' of the adopted LDP. For the same reasons, it would also be broadly consistent with the advice contained within national policy, particularly Planning Policy Wales (Edition 9, 2016) (PPW) and WG Circular 005/2018. Therefore, having

considered all matters raised, I conclude that the appeal should be allowed subject to conditions.

12. 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.
13. 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. I have imposed a condition tying the proposed development to the approved plans for the avoidance of any doubt. Condition No.2 is necessary given that the appeal has been successful on the basis of the policy framework relating to Gypsy and Travellers. Condition Nos. 3, 4, 5 and 8 are necessary in the interest of safeguarding the character and appearance of the area and the living conditions of the occupiers of neighbouring residential properties. Nos.6 and 7 are necessary in the interest of achieving a satisfactory form of landscaping and Condition Nos. 9, 10, 11, 12 and 13 are necessary in the interest of pedestrian and highway safety. Condition No.14 would satisfactorily address site drainage. I have not imposed the Council's Suggested Condition No. 9 as such a matter is already controlled through the Building Regulations. Similarly, the Council's Suggested Condition No.10 is satisfactorily addressed through Condition Nos. 6 and 7 imposed in the attached schedule.

*Richard E. Jenkins*

INSPECTOR

### **Schedule of Conditions**

- 1) The development shall be carried out in accordance with the following approved plans and documents received by the Council on 19 October 2017: Plan Drawing Nos.01a, 02, 03, 04, 05 and 06.
- 2) The occupation of the site shall only be occupied by Gypsies and Travellers as defined by Welsh Government Circular 005/2018.
- 3) No more than one commercial vehicle per plot shall be kept on the land for use by the occupiers of the caravans hereby permitted, and they shall not exceed 3.5 tonnes in weight.
- 4) No commercial activities shall take place on the land, including the storage of commercial plant or materials.
- 5) No more than 4 caravans, as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968 (of which no more than 2 shall be static caravans) shall be stationed on the site at any time. Any caravans positioned on the site shall be capable of being lawfully moved on the public highway, without division into separate parts.
- 6) Unless within 3 months of the date of this decision a scheme of both hard and soft landscaping to include a schedule of all plants and trees, species and numbers/ densities, hard surfacing materials, means of enclosure and implementation programme, is submitted in writing to the local planning authority for approval, and unless the approved scheme is implemented within 3 months of the local planning authority's approval, the beneficial use of the site shall cease until such time as a scheme is approved and implemented.
- 7) All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following its approval and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species. The planting and hedgerows shall be retained at all times.
- 8) Details of any external lighting shall be submitted to and approved in writing by the local planning authority prior to its installation. The external lighting shall be installed in accordance with the approved details and retained as such.
- 9) Unless within 3 months of the date of this decision a scheme for the provision of an access drive and turning area is submitted in writing to the local planning authority for approval, and unless the approved scheme is implemented within 6 months of the local planning authority's approval, the beneficial use of the site shall cease until such time as a scheme is approved and implemented.
- 10) Unless within 3 months of the date of this decision a scheme for the provision of 6 off-street parking spaces is submitted in writing to the local planning authority for approval, and unless the approved scheme is implemented within 6 months of the local planning authority's approval, the beneficial use of the site shall cease until such time as a scheme is approved and implemented.
- 11) Any entrance gates to be erected shall be set back not less than 7 metres from the nearside hedge of the carriageway.
- 12) The proposed vision spays shown on drawing No.01a, dated 5 December 2017, shall be provided before the development is brought into beneficial use and retained in perpetuity.

- 13) No structure, erection or planting exceeding 0.6 metres in height above adjacent carriageway level shall be placed within the required vision splay at any time.
- 14) Unless within 3 months of the date of this decision a scheme for the disposal of foul and surface water is submitted in writing to the local planning authority for approval, and unless the approved scheme is implemented within 6 months of the local planning authority's approval, the beneficial use of the site shall cease until such time as a scheme is approved and implemented.

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## Penderfyniad ar yr Apêl

Ymweliad â safle a wnaed ar 30/07/18

gan Paul Selby BEng (Hons) MSc  
MRTPI

Arolygydd a benodir gan Weinidogion Cymru

Dyddiad: 07.08.2018

## Appeal Decision

Site visit made on 30/07/18

by Paul Selby BEng (Hons) MSc MRTPI

an Inspector appointed by the Welsh Ministers

Date: 07.08.2018

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**Appeal Ref: APP/F6915/A/18/3200227**

**Site address: Garages to rear of 67 John Street, Porthcawl CF36 3AY**

**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 Penybont Real Estate Co. Ltd against the decision of Bridgend County Borough Council.
  - The application Ref P/17/777/FUL, received on 13 September 2017, was refused by notice dated 27 November 2017.
  - The development proposed is described as 'Proposed conversion of 3 lock-up garages at the rear of 67 John Street, Porthcawl, into a small shop'.
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### Decision

1. The appeal is dismissed.

### Main Issue

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

### Reasons

3. The appeal site accommodates three lock-up garages and lies adjacent to an area of vacant ground. A service lane reached via Hillsboro Place provides access to the site and the rear of properties fronting John Street, which is pedestrianised with vehicular access restricted between the hours of 11am and 5pm.
  4. The site lies within the Town Centre boundary as designated in the Bridgend Local Development Plan (LDP) and is thus, in principle, an acceptable location for retail development. In addition to a shop, a turning head for delivery or customers' vehicles is proposed on the site. It is also proposed to regrade and resurface around 20 metres of the access lane, thereby improving its currently poor condition.
  5. As the lane lacks a segregated footway the proposal would introduce the potential for conflict between pedestrians and vehicles. Notwithstanding the ad hoc parking which I saw occurs in the vicinity, the lane has a straight alignment which affords adequate visibility to pedestrians and vehicles which currently use it.
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6. Due to its modest floorspace, the additional pedestrians generated by the proposed shop would not intensify the use of the lane to a harmful extent. Nonetheless, when compared to the three existing lock-up garages the proposal would materially increase the number of vehicles using the lane. Given the broadly framed description of development and the intended use of the unit for selling 'antiques and collectables', it is likely that the proposal would lead to delivery/collection vehicles, including minivans and the like, traversing the lane and Hillsboro Place.
7. The proposed turning head would be around 2.5 metres wide between the shop's external wall and the vacant land to the south. Vehicles using it would have around 7.5 metres' reversing space towards a boundary wall and pedestrian access serving the rear of a café on John Street. Whilst sufficient for smaller vehicles, larger vehicles would face difficulties in reversing in the space available within the lane and the boundary of the appeal site.
8. In my view the unsatisfactory dimensions and configuration of the turning head would be likely to lead to larger vehicles reversing up or down the access lane and manoeuvring elsewhere. This would bring reversing vehicles into conflict with a busy pedestrian route between the nearby public car park and John Street, which crosses the entrance of the access lane near to its junction with Hillsboro Place. This crossing place is poorly demarcated with scant public lighting.
9. There is little evidence of harmful vehicle/pedestrian conflicts occurring at the junction of the lane and Hillsboro Place. Nonetheless, the increased use of the access lane and Hillsboro Place by vehicles manoeuvring to or from the proposed shop would unacceptably harm the safety of pedestrians using this busy route. This harm would not be mitigated via conditions, for example to limit the opening hours of the shop.
10. My attention has been drawn to an appeal decision for a scheme previously proposed on part of the site and the vacant land to the south (Ref: APP/F6915/A/07/1201191). Whilst the two schemes share characteristics, they occupy different sites and appear to differ in terms of the types of use proposed, the configuration of the buildings and accesses, and the extent of retail floorspace. Moreover, the adoption of the Bridgend LDP in the interim means that the planning policy context has changed. I afford little weight to this previous decision and have determined the appeal on its own merits.
11. As is sought by Technical Advice Note 23 'Economic Development', I recognise the economic benefits of the proposal, but whilst I afford modest weight to those benefits they do not outweigh the identified harm. I note the appellant's comments regarding severe residual cumulative highway safety impacts but I must determine the proposal based on the adopted LDP and in the context of national policy applying in Wales.

## **Conclusion**

12. For the given reasons I conclude that the proposal would conflict with the safe transport objectives of LDP policy SP3 and the advice of the Council's Supplementary Planning Guidance 17 'Parking Standards'. I therefore dismiss the appeal.
13. 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 accords with the Act's sustainable development principle through its contribution towards supporting safe, cohesive and resilient communities.

*Paul Selby* INSPECTOR

## APPENDIX D



# The Planning Inspectorate Yr Arolygiaeth Gynllunio

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## Penderfyniad ar yr Apêl

Ymweliad safle a wnaed ar 17/07/18

gan Hywel Wyn Jones BA (Hons) BTP  
MRTPI

Arolygydd a benodir gan Weinidogion Cymru

Dyddiad: 27/07/18

## Appeal Decision

Site visit made on 17/07/18

by Hywel Wyn Jones BA (Hons) BTP  
MRTPI

an Inspector appointed by the Welsh Ministers

Date: 27/07/18

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**Appeal Ref: APP/F6915/A/18/3200555**

**Site address: Land off Albany Road, Pontycymmer, Bridgend, CF32 8HE**

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

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
  - The appeal is made by Mrs Sian Lewis against the decision of Bridgend County Borough Council.
  - The application (ref: P/17/563/OUT), dated 29 June 2017, was refused by notice dated 5 December 2017.
  - The development proposed is a new dwelling.
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### Decision

1. The appeal is allowed and planning permission is granted for a new dwelling at Land off Albany Road, Pontycymmer, Bridgend, CF32 8HE in accordance with the terms of the application, (ref: P/17/563/OUT), dated 29 June 2017, subject to the condition in the attached Schedule.

### Procedural Matter

2. The application seeks outline planning permission with all detailed matters reserved for subsequent approval. I have considered the proposed site plan and cross section drawings that accompanied the application to be for illustrative purposes only.

### Main Issues

3. The main issues are:
  - (i) whether the proposed dwelling would provide acceptable living conditions for future occupiers, particularly in terms of privacy and any visual impact; and
  - (ii) the effect of the proposed development on highway safety.

### Reasons

#### *Living conditions*

4. The appeal site is located at the end of Albany Street which is characterised by traditional two-storey housing. The site, which is currently vacant land, is bounded on 2 sides by a public footpath and to one side by a large dwelling within extensive grounds (No. 49 Albany Road). The site falls steeply from the rear to the front
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boundary. To the rear of the site lies Ty Rhedyn which is a dormer bungalow with a terraced area at the rear which is elevated above adjacent ground level.

5. The illustrative cross-sectional drawing shows a proposed two-storey, split level house with a garage below at a level that would be marginally higher than the lowest part of the site. This arrangement would require extensive excavation of the site and would result in the ridge height of the dwelling being at a similar level to that of the raised terrace of Ty Rhedyn.
6. The considerable difference in levels between the existing and proposed dwellings means that natural sight lines from Ty Rhedyn would be over the proposed house. However, as the Council points out, this relationship does give rise to the potential for overlooking of the appeal site. I agree with the appellant that this is a matter that can be adequately addressed through careful design of the reserved matter details. As the illustrative layout shows the positioning of the dwelling close to the rear boundary would ensure that it would screen from Ty Rhedyn an outdoor amenity area situated in front of the proposed dwelling. The provision of suitable means of enclosure to the amenity space would provide screening from the adjacent public footpath.
7. The Council's concerns over the potential visual domination of Ty Rhedyn on occupiers of the proposed dwelling could be adequately addressed by ensuring that, through the detailed design of the scheme, there are no windows serving habitable rooms facing Ty Rhedyn.
8. On the first main issue I conclude that the proposed dwelling would afford its occupiers an acceptable level of amenity and privacy. In this respect the scheme aligns with Policy SP2 of the Bridgend Local Development Plan (2013) (LDP).

*Highway Safety*

9. Access to the proposed site would be onto the end of the highway in Albany Road. The appeal site incorporates part of the existing driveway entrance to No. 49. Whilst the Council acknowledges that means of access to the site is a reserved matter it considers that insufficient information has been provided to establish that an acceptable shared access arrangement can be achieved within the available land having regard to its topography.
10. The Council refers to the possible need for a turning facility at the site entrance and suggests that the widening of the public footpath route may require a retaining structure. It provides limited amplification of these concerns. In the context of the number of vehicles that use Albany Road the addition of one other dwelling does not justify the requirement for a turning area facility to be provided as part of the access arrangements. I am satisfied that there is sufficient land available, taking into account its gradient, to ensure that a suitable access arrangement to serve both dwellings and the footpath can be accommodated. The precise details of such works will require careful consideration as part of a reserved matters application which will also enable the on-site parking and turning facilities to be assessed.
11. On the second main issue I find that the proposed development would not harm highway safety. Therefore the scheme accords with the relevant provision of LDP Policy SP2.

*Other Matter*

12. On the basis of correspondence from the Council's Rights of Way and Access Land Officer it appears that public footpath 80 Garw Valley crosses the site on a diagonal



alignment. A hard-surfaced path runs along the western and northern boundaries of the site separated from it by a fence. The Council raises no concerns over the re-routing but points out that the definitive route of the footpath has not been formally diverted. As the grant of planning permission does not affect the legal status of the footpath I make no further comment.

#### *Conditions*

13. I have considered the conditions suggested by the Council in the light of the advice in Circular 016/2014: The Use of Planning Conditions for Development Management. As the application is in outline I shall impose the standard conditions on time limits and reserved matters. In light of the need to ensure adequate screening I agree that it is reasonable to require details of the boundary treatment. To avoid localised flooding and pollution it is necessary to agree details of the means of drainage. To ensure that the width of the adjacent footway is adequate, in accordance with the details shown on the illustrative layout plan, I agree that the suggested condition is necessary.
14. As the submitted plans are illustrative a condition referencing the plans is not necessary. Conditions dealing with external materials and access/turning are not needed given that these can be adequately dealt with at reserved matters stage.

#### **Conclusions**

15. Subject to the imposition of the identified conditions, I conclude that the scheme would be acceptable in all respects. Accordingly I shall allow the appeal.
16. 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 the Welsh Ministers' well-being objective of supporting safe, cohesive and resilient communities.

*Hywel Wyn Jones*

INSPECTOR

#### **Schedule of Conditions**

- 1) Details of the access, appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.
- 2) Any application for approval of the reserved matters shall be made to the local planning authority not later than three years from the date of this permission.
- 3) The development shall begin either before the expiration of five years from the date of this permission or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.
- 4) Prior to the occupation of the dwelling hereby approved a plan indicating the position, height, design, materials and type of boundary treatment to be erected shall be submitted to and approved in writing by the Local Planning Authority. The boundary treatment shall be completed as approved before the building is occupied.

- 5) No development shall commence until a scheme for the comprehensive and integrated drainage of the site, showing how foul drainage, road and roof/yard water will be dealt with, including future maintenance requirements, has been submitted to and agreed in writing by the Local Planning Authority. The agreed drainage scheme shall be implemented prior to the beneficial use of the building commencing.
- 6) No development shall commence on site until a scheme to set back the western site boundary, to allow for the widening of the existing footway abutting the site to 1.8m has been submitted to and agreed in writing by the Local Planning Authority. The widened footway shall be completed in permanent materials in accordance with the approved details prior to the dwelling being brought into beneficial use and retained as such thereafter.



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## Penderfyniad ar yr Apêl

Ymweliad safle a wnaed ar 19/06/18

gan Hywel Wyn Jones BA (Hons) BTP  
MRTPI

Arolygydd a benodir gan Weinidogion Cymru

Dyddiad: 20.07.2018

## Appeal Decision

Site visit made on 19/06/18

by Hywel Wyn Jones BA (Hons) BTP  
MRTPI

an Inspector appointed by the Welsh Ministers

Date: 20.07.2018

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**Appeal Ref: APP/F6915/D/18/3202925**

**Site address: 10 Rhodfa'r Coed, Maesteg, CF34 9GE**

**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 Williams against the decision of Bridgend County Borough Council.
  - The application (ref: P/18/118/FUL), dated 15 February 2018, was refused by notice dated 8 May 2018.
  - The development proposed is a first floor extension to side and loft conversion.
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### Decision

1. The appeal is allowed and planning permission is granted for a first floor extension to side and loft conversion at 10 Rhodfa'r Coed, Maesteg, CF34 9GE in accordance with the terms of the application, ref: P/18/118/FUL, dated 15 February 2018, subject to the conditions set out in the attached schedule.

### Main Issue

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

### Reasons

3. Rhodfa'r Coed is a short cul-de-sac within a larger housing estate of mostly closely-spaced 2 storey detached dwellings. During my visit I noted that the appeal property, along with some others within the estate, has converted the original garage into additional living accommodation. I also observed that an area in front of the house had recently been surfaced in tarmacadam.
  4. At the time of my visit, in the middle of a working day, I observed that within the estate there were a few cars parked on the street seemingly as over spill provision to the garage and driveway provision that most properties enjoy. I acknowledge that car parking pressures within this sub-urban estate are likely to be considerably higher outside the working day when most residents are at home.
  5. Included in the submitted drawings is a sketch plan proposing 2 additional parking spaces on the recently hard surfaced area. Whilst I share the Council's concerns over the practicality of accommodating an additional 2 spaces within the constrained area identified, it seems to me that it could acceptably provide one additional space.
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6. In this case the Council interprets its supplementary planning guidance (SPG)<sup>1</sup> as seeking 1 space per bedroom up to a maximum of 3 spaces. Pointing to the conversion of the garage, it states that the cumulative parking requirement is 3 spaces. However, as the specific standard cited is based on 'New Build and Conversions' it does not appear relevant to the proposal before me. Even if it were relevant, it seems to me that it would be the additional demand created by the proposed scheme in isolation that would be relevant, in which case the one additional parking space that can be provided meets the SPG ratio.
7. I note the location of the property at the turning head and the natural desire of residents to park close to their homes, nonetheless in such a context it is reasonable to expect that drivers when parking off-site would be considerate of the purpose of the turning head and would preserve the access for residents and others to the 2 properties situated beyond the turning head.
8. On the main issue I find that the scheme would not cause harm to highway safety. It would not conflict with the SPG and thus accords with policies SP2 and PLA11 of Bridgend County Borough Council's Local Development Plan (2013).
9. Neighbouring residents have raised concerns regarding the effect on their living conditions and the appearance of the street scene. I am satisfied that the scheme would not materially affect the degree of privacy currently available to neighbouring properties nor would it cause an overbearing effect or significant loss of light. Any loss of long-distance views would not warrant withholding permission. Its appearance would not look out of place within a context which displays a variety of architectural detailing. Thus, I concur with the view of the Council that the effect on neighbours would be acceptable, having regard to the provisions of the relevant SPGs. The suggested short-term rental use of the property is not a matter which alters my findings on the scheme.

### **Conditions**

10. I have considered the conditions suggested by the Council in the light of the advice in Circular 016/2014: The Use of Planning Conditions for Development Management. I shall impose the standard conditions time limiting the permission and identifying the approved plans. I have amended the Council's suggested condition relating to the provision of parking in light of my findings and to ensure that it remains available in the future.

### **Conclusions**

11. I have taken into account all other matters raised but none alter my findings on the acceptability of the scheme and so I shall allow the appeal.
12. 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 the Welsh Ministers' well-being objective of supporting safe, cohesive and resilient communities.

*Hywel Wyn Jones*

INSPECTOR

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<sup>1</sup> SPG 17 Parking Standards, adopted 2011

**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: Drawing Nos 04, 05, 06, 07, 08, 10 and 11, received by the Local Planning Authority on 26 March 2018.
- 3) Prior to first use of the extension the area shown as additional parking on the submitted plans shall be available and thereafter remain available for the vehicle parking.



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## Penderfyniad ar yr Apêl

Ymweliad â safle a wnaed ar 06/07/18

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

Arolygydd a benodir gan Weinidogion Cymru

Dyddiad: 09/08/18

## Appeal Decision

Site visit made on 06/07/18

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

an Inspector appointed by the Welsh Ministers

Date: 09/08/18

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**Appeal Ref: APP/F6915/D/18/3203035**

**Site address: Penybryn, Bridgend Road, Bryncethin, Bridgend, CF32 9TG**

**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 NG Thomas against the decision of Bridgend County Borough Council.
  - The application Ref P/17/958/FUL, dated 5 November 2017, was refused by notice dated 1 March 2018.
  - The development proposed is the re-modelling of dwelling to include new roof shape, alterations and extension and loft conversion including dormers/raising of ground levels to accommodate the erection of a detached garage, installation of retaining walls to support the change in ground levels.
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### Decision

1. The appeal is dismissed.

### Procedural Matters

2. The Council amended the description of the development from that on the application form to include works relating to the raising of ground levels to accommodate the erection of a detached garage and the installation of retaining walls to support the change in ground levels. I am satisfied that the Council's description accurately reflects the development proposed and I note that the amended description was agreed with the appellant. I have therefore made my decision based on the revised description.
3. I noted on my site visit that materials have been deposited at the eastern end of the site to facilitate a change in levels to accommodate the garage. As such I have determined the appeal on the basis that it seeks partially retrospective permission for the raising of the ground levels.

### Main Issues

4. The main issues are:
    - the effect of the proposed development on the living conditions of neighbouring residents; and
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- whether the development would pose a potential hazard arising from ground instability.

## Reasons

### *Living Conditions*

5. A previous appeal for a similar development was dismissed in August 2017<sup>1</sup>. In reaching her decision the Inspector found the proposal to not have a harmful effect on the character and appearance of the host dwelling or surrounding area given the overall mix of properties in the surrounding area. The design approach in the proposal before me is the same as that previously considered at appeal. Whilst I acknowledge residents' concerns relating to the design, from my own observations on site where I saw a diversity of building styles and sizes, I concur with the findings of the previous Inspector in this regard. I note that the Council also raises no objection on these grounds.
6. The earlier appeal was dismissed on the grounds that the considerable length of the proposed rear extension together with its height, the proximity to the common boundary with Royston House to the north and the change in ground levels would result in an unacceptable overbearing impact when viewed from the closest habitable room windows on the rear elevation of Royston House and its garden. Furthermore, a proposed rear balcony would unacceptably overlook the private rear amenity space of neighbouring properties, namely Royston House and Tre Thomas to the south.
7. The current proposal seeks to address the concerns of the previous Inspector by reducing the length of the rear element and removing the rear balcony. The appeal site is situated at a higher level than Royston House and the rear element would project along the common boundary between the two properties. The larger proportion would contain two levels of accommodation (with the first floor within the roof space) with the smaller proportion comprising a single storey flat roof with a raised glass element.
8. I note that the proposal has been reduced in length from that previously proposed. Nonetheless, the overall length of the development would still project some distance along the common boundary with Royston House. Whilst part would be single storey, it would be of a significant height and mass situated at a considerably higher level than the adjacent property. It would be highly visible from some of the rear habitable room windows and garden of the neighbouring house. In my assessment it would be a dominating and overbearing presence to the occupants of Royston House both from within the house itself and from within its garden.
9. I concur with the previous Inspector's findings that any potential for overlooking from the dormer windows on the southern side of the extension could be removed through a requirement for obscured glass. This would be a reasonable requirement given that two of the windows would serve a bedroom that also has windows in the eastern elevation and the other an en-suite bathroom.
10. No balcony is proposed but I note concerns that a door is proposed in the first floor eastern wall leading onto a flat roof above the kitchen/diner and shower room. There is some discrepancy in the plans in this respect, with the floor plan indicating a door and the elevation indicating a window. Any use of the flat roof as an outside balcony/sitting area would result in direct overlooking of both Royston House and Tre

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<sup>1</sup> PINs ref: APP/F6915/D/17/3176992

Thomas to the south and which would be harmful. Nonetheless, on the evidence before me the appellant does not intend to use the roof as a balcony and I am satisfied that a condition could be imposed restricting it from such use.

11. Notwithstanding, whilst any potential harm to the living conditions of neighbouring residents arising from the dormer windows and use of the flat roof could be overcome by conditions, this does not outweigh the harm that I have found would arise from the size and extent of the overall development. In conclusion I find that the proposal would be harmful to the living conditions of neighbouring residents. It would not be in accord with policy SP2 of the adopted Bridgend Local Development Plan (LDP) and associated Householder Development Supplementary Planning Guidance (SPG) that seek to ensure neighbouring occupiers are not adversely affected or unreasonably dominated by development.

#### *Ground Instability*

12. The proposal includes the erection of a detached garage at the eastern end of the site. The ground levels would be raised and retained with walls. It was evident on my site visit that some material had been deposited on the site.
13. Whilst I note the concerns of local residents regarding the erection of a garage in the proposed position, I concur with the Council that the garage would be an appropriate form of development. I am satisfied from my own observations that the building would be of an appropriate size, design and scale to not cause any harm to adjoining residents or to the character of the area.
14. However, the erection of the garage is dependent on the raising and retaining of ground levels. National planning policy set out in Planning Policy Wales (PPW) advises that planning decisions need to take into account both the potential hazard that land instability could create to the development itself, to its occupants and to the local environment and the results of a specialist investigation and assessment by the developer to determine the stability of the ground and to identify any remedial measures to deal with any instability. Where acceptable measures can overcome instability, planning permission may be granted subject to conditions specifying the necessary measures. If instability cannot be overcome satisfactorily planning permission may be refused<sup>2</sup>.
15. Calculations have been provided with the appellant's submissions in respect of the load bearing pressure and associated retaining walls. The calculations have assumed an allowable bearing pressure of 125 kN/m<sup>2</sup>. The Council's structural engineer considers this to be high without any soil investigation having taken place. On the evidence before me I have no reason to disagree and particularly so given that the land is being artificially built up with imported material.
16. I note the appellant's contention that the building's structural integrity and adjoining properties can be safeguarded by work stemming from specialist assessment/work and that conditions requiring any details to be provided should be imposed. However, ground stability is an important material consideration in determining this appeal and such matters should be resolved in advance of granting planning permission. Given the doubt over the appropriate allowable bearing pressure, I have no surety that the proposed retaining walls would be sufficient to ensure ground stability and that the garage would not pose a hazard.

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<sup>2</sup> Paragraphs 13.9.1 & 13.9.2, Planning Policy Wales, Edition 9, November 2016



17. I conclude that it has not been demonstrated that the development would adequately address any potential hazards arising from ground instability. As such the proposal would fail to accord with national planning policy in this regard.

**Conclusion**

18. I conclude that the proposal would be harmful to the living conditions of neighbouring residents and would pose a potential hazard arising from land instability. It would not be in accord with policy SP2 of the LDP, its associated SPG and national planning policy advice.

19. I have taken into account all other matters raised but none outweigh the harm that I have identified. For the reasons above I dismiss the appeal.

20. 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