

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.

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

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

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

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.

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

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)¹ 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

¹ 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.



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

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 2017¹. 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

¹ 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 refused².
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/m². 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.

² 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