

## **APPEALS**

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

<b>CODE NO.</b>	A/18/3213353 (1841)
<b>APPLICATION NO.</b>	P/18/526/FUL
<b>APPELLANT</b>	ANCHORMILL LTD
<b>SUBJECT OF APPEAL</b>	CONSTRUCTION OF 2 DETACHED 2 STOREY DWELLINGS PLOT 65 DUFFRYN OAKS DRIVE, PENCOED
<b>PROCEDURE</b>	WRITTEN REPRESENTATIONS
<b>DECISION LEVEL</b>	DELEGATED OFFICER

The application was refused for the following reasons:

1. The proposed development, would generate a net increase in vehicular movement and would exacerbate congestion either side of the level-crossing and at the complex over-bridge junction between the eastern end of the relief road and Penybont Road in advance of the completion of the Penprysg Road Bridge Improvement (Relief Road Phase 2) to the detriment of the safety and free flow of traffic on the highway network contrary to Policy PLA6 of the Bridgend Local Development Plan.
2. Insufficient details of the trees and vegetation currently existing on the site have been submitted to enable the implications of the proposal on biodiversity and green infrastructure to be properly evaluated by the Local Planning Authority contrary to the requirements of the Habitats Regulations 1994 (as amended), Section 6 of the Environment (Wales) Act, 2016, guidance contained within TAN 5 : Nature Conservation and Planning (2009) and Policies SP2 and ENV6 of the Bridgend Local Development Plan.
3. Insufficient details in respect of the land levels of the proposed dwellings in relation to the adjoining highways and surrounding residential development, garden levels and any retaining structures have been submitted to enable the implications of the proposal on the residential amenity of the adjoining property to the east of the application site and the visual amenities of the area to be properly evaluated by the Local Planning Authority contrary to Policy SP2 of the Bridgend Local Development Plan.

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<b>CODE NO.</b>	D/18/3213525 (1842)
<b>APPLICATION NO.</b>	P/18/442/FUL
<b>APPELLANT</b>	MR L JONES
<b>SUBJECT OF APPEAL</b>	CONSTRUCT SINGLE STOREY REAR EXTENSION 20 BREDENBURY GARDENS, PORTHCAWL
<b>PROCEDURE</b>	WRITTEN REPRESENTATIONS
<b>DECISION LEVEL</b>	DELEGATED OFFICER

The application was refused for the following reason:

1. The proposed extension, by reason of its siting, scale and design, would have an unreasonably dominant and imposing impact on the neighbouring residential property, No. 21 Bredenbury Gardens, to the detriment of the residential amenities enjoyed by the occupiers of that property. The proposal is therefore contrary to Policy SP2 of the Bridgend Local Development Plan (2013) and the principles of Supplementary Planning Guidance 02: Householder Development (2008).

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<b>CODE NO.</b>	D/18/3214133 (1843)
<b>APPLICATION NO.</b>	P/18/379/FUL
<b>APPELLANT</b>	MR T JOHN
<b>SUBJECT OF APPEAL</b>	PROPOSED NEW LAMBING SHED LAND AT SOUTH SIDE OF PANT HIRWAUN, HEOL Y CYW
<b>PROCEDURE</b>	WRITTEN REPRESENTATIONS
<b>DECISION LEVEL</b>	DELEGATED OFFICER

The application was refused for the following reason:

1. The proposed lambing shed is not considered to be reasonably necessary for agricultural purposes as there is no significant established agricultural activity at the site. The applicant has not provided sufficient justification for a lambing shed of the size and scale proposed. As such, there is no agricultural justification for the proposed lambing shed, contrary to Policies ENV1 and SP2 of the Local Development Plan (2013), advice contained within Planning Policy Wales (Edition 9, November 2016), Technical Advice Note 6 Planning for Sustainable Rural Communities (2010) and Technical Advice Note 12 Design.

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<b>CODE NO.</b>	A/18/3215314 (1844)
<b>APPLICATION NO.</b>	P/18/652/RLX
<b>APPELLANT</b>	MISS L TERRY
<b>SUBJECT OF APPEAL</b>	VARIATION OF CONDITION 4 OF P/16/844/FUL & CONDITION 2 OF P/17/940/RLX REGARDING THE USE OF THE STEEL STAIRCASE TO FIRST FLOOR FLAT & REAR GARDEN 12 SUFFOLK PLACE PORTHCAWL
<b>PROCEDURE</b>	WRITTEN REPRESENTATIONS
<b>DECISION LEVEL</b>	DELEGATED OFFICER

The application was refused for the following reason:

1. The proposed condition and unnecessary use of the rear staircase, by reason of location and proposed use, will result in an unacceptable and un-neighbourly form of development which will have a significant adverse impact on the privacy and residential amenities of the neighbouring properties with particular reference to No.52, Philadelphia Road, contrary to Policy SP2 (12) of the Bridgend Local Development Plan (2013), the Council's Supplementary Planning Guidance SPG02: Householder Development and advice contained within Planning Policy Wales (Edition 9, November 2016).

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

<b>CODE NO.</b>	X/18/3202858 (1833)
<b>APPLICATION NO.</b>	P/17/932/LAE
<b>APPELLANT</b>	TYTHEGSTON GREEN VENTRUES LTD
<b>SUBJECT OF APPEAL</b>	CERTIFICATE OF LAWFULNESS FOR AN EXISTING USE OF LAND & BUILDINGS AS A GASIFICATION PLANT (USE CLASS B2) NEWTON DOWN INDUSTRIAL ESTATE, TYTHEGSTON COURT
<b>PROCEDURE</b>	INQUIRY
<b>DECISION LEVEL</b>	DELEGATED OFFICER
<b>DECISION</b>	THE APPEAL HAS BEEN WITHDRAWN BY THE APPELLANT.

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<b>CODE NO.</b>	D/18/3212252 (1839)
<b>APPLICATION NO.</b>	P/18/514/FUL
<b>APPELLANT</b>	MRS HAYLEY ELWARD
<b>SUBJECT OF APPEAL</b>	ERECT A 1.8M HIGH FENCE ON THE BOUNDARY WALL TO THE SIDE OF THE PROPERTY 43 TY GWYN DRIVE BRIDGEND
<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 DISMISSED.

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

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<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, BRYNTIRION
<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 B**

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**RECOMMENDATION**

That the report of the Corporate Director Communities be noted.

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

**Background Papers**

(see application reference number)

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**Penderfyniad ar yr Apêl**

Ymweliad â safle a wnaed ar 30/10/18

**gan P J Davies BSc (Hons) MA MRTPI**  
**Arolygydd a benodir gan Weinidogion Cymru**  
**Dyddiad: 08.11.2018**

**Appeal Decision**

Site visit made on 30/10/18

**by P J Davies BSc (Hons) MA MRTPI**  
**an Inspector appointed by the Welsh Ministers**  
**Date: 08.11.2018**

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**Appeal Ref: APP/F6915/D/18/3212252**

**Site address: 43 Ty Gwyn Drive, Brackla, Bridgend CF31 2QF**

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

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mrs Hayley Elward against the decision of Bridgend County Borough Council.
  - The application Ref P/18/514/FUL, dated 25 June 2018, was refused by notice dated 16 August 2018.
  - The development proposed is to erect a 1.8 metre fence on the boundary wall to the side of property.
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**Decision**

1. The appeal is dismissed.

**Main Issues**

2. These are the effect of the proposal on the character and appearance of the area, and highway safety.

**Reasons**

3. The appeal relates to the side garden of a dwelling in an established and dense residential area. In common with most other frontages in the locality, it is enclosed by a low wall and is generally open and undeveloped. These features are important characteristics that provide a sense of openness and visual relief to the otherwise built-up character of the area. In this case in particular, and because of the orientation of the host property, the side garden occupies a prominent location on a bend alongside the principal distributor road of the estate. It also lies close to a junction with a cul de sac.
  4. The fence would be largely comprised of close boarded timber panels of a suburban appearance not untypical of residential environments such as this. It would be installed professionally and I have no reason to doubt that it would be constructed to a high standard. However, it would extend for some distance alongside the pavement at a considerable height. Owing to this, the proposed enclosure would be a substantial feature, and having regard to its siting, it would introduce a visually dominant form of development that would be at odds with the established layout and
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pattern of the estate. It would most certainly detract from the area's open qualities and result in a demonstrably overbearing and intrusive development.

5. There are other examples of similar fences in the estate, nonetheless, these are in the minority and have not unduly changed or influenced the individual context of the appeal site to warrant the visual harm I have identified. I viewed the fence at No 80 but unlike the appeal proposal it does not directly adjoin the main estate road, but extends alongside the secondary cul de sac road. Even so, I observed it to be a prominent feature and, in my view, it is not a good example to follow.
6. Given its siting and height, the proposed fence would obscure visibility on one side for drivers emerging from the driveway. In particular the Council's vision splay standards would not be met. Whilst I accept that the direction of traffic flow means that visibility of oncoming traffic on the road would not be unduly compromised, there would be a risk to pedestrians using the footpath who might not see or hear vehicles emerging from the driveway. Likewise, a driver emerging from the drive, especially if reversing, would have insufficient warning of pedestrians. In these circumstances, and notwithstanding other examples of driveways pointed out to me, I consider that the proposal would result in unacceptable harm to pedestrian safety.
7. I conclude that the proposal would be harmful to the character and appearance of the area and highway safety interests, contrary to the objectives of Policy SP2 of the Bridgend Local Development Plan, and the Council's Supplementary Planning Guidance (SPG) 02 – Householder development.
8. In reaching my decision, I have taken account of the requirements of sections 3 and 5 of the Well-Being of Future Generations (Wales) Act 2015. I consider that this decision is in accordance with the Act's sustainable development principle through its contribution towards one or more of the Welsh Ministers well-being objectives set out as required by section 8 of the WCFG Act.
9. For the above reasons, the appeal is dismissed.

*P J Davies*

**INSPECTOR**



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## **Penderfyniad ar yr Apêl**

Ymweliad â safle a wnaed ar 18/09/18

**gan Richard Duggan BSc (Hons)**  
**DipTP MRTPI**

**Arolygydd a benodir gan Weinidogion Cymru**  
**Dyddiad: 09/10/2018**

## **Appeal Decision**

Site visit made on 18/09/18

**by Richard Duggan BSc (Hons) DipTP**  
**MRTPI**

**an Inspector appointed by the Welsh Ministers**  
**Date: 09/10/2018**

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**Appeal Ref: APP/F6915/A/18/3207624**

**Site address: 15 Elm Crescent, Bryntirion, Bridgend CF31 4EA**

**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 Ms Jennifer Gregory against the decision of Bridgend County Borough Council.
  - The application Ref P/18/233/OUT, dated 16 March 2018, was refused by notice dated 22 June 2018.
  - The development proposed is described as 'end of terrace two storey dwelling attached to No. 15 Elm Crescent, Bryntirion'.
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### **Decision**

1. The appeal is dismissed.

### **Procedural Matters**

2. The application was submitted in outline with all matters reserved for later determination. A plan has been submitted showing the general siting and layout of the dwelling on the site and this is annotated as 'Site Plan/Block Plan', and I have dealt with the appeal on this basis, treating this plan as indicative.
3. The indicative scale parameters provided with the application are taken from the Site Plan/Block Plan which shows a dwelling with a width of 5/5.5m and length of 6.5/7.0m metres and the roof and eaves height to link with the host dwelling.

### **Main Issue**

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

### **Reasons**

5. The site lies within the settlement boundary defined by Policy PLA1 of the adopted Bridgend County Borough Council Local Development Plan (LDP), 2013. The LDP supports the principle of development in such areas subject to compliance with other criteria based policies. Policy SP2 requires all development to contribute to creating high quality, attractive, sustainable places which enhance the community in which
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- they are located, whilst having full regard to the natural, historic and built environment by having a design of the highest quality possible, whilst respecting and enhancing local character and distinctiveness and landscape character (criterion 2); and being of an appropriate scale, size and prominence (criterion 3).
6. The appeal property occupies a corner plot within a residential area containing mainly semi-detached and terraced dwellings which display uniformity in terms of architectural style and spacing. The separation distances and spaces between and to the side of properties are relatively constant and set a regular pattern of built development which creates a strong uniform layout to the estate. The houses found in the area are characterised by being set back from the road with an established building line and have generally been little altered, thus creating a regular and coherent street scene. The appeal property contributes to that regularity and coherence.
  7. The appeal proposal seeks to erect a new two-storey dwelling on land forming part of the side garden of No 15 Elm Crescent. By building across the open corner plot the development would fill the gap that currently separates the appeal property and the carriageway and would erode the openness that is a key attribute of the character of this part of the street. Although the dwelling would be modest in scale, it would reduce the sense of space that exists between No 15 Elm Crescent and the highway and would disrupt the uniform qualities of this block of terraced houses, to the detriment of the character and appearance of the street.
  8. Whilst I acknowledge that the submitted plans are indicative only they indicate a slightly narrower building that would be in contrast with the host dwelling and the other properties in the terrace. Even should an alternative design be considered, the narrow width and configuration of the plot would result in any dwelling being situated in very close proximity to the side boundary and would appear squeezed into the space available. I consider that it would be a discordant and contrived feature in the street scene.
  9. The indicative plans also show parking spaces/driveways to be provided to the front of the proposed dwelling and 15 Elm Crescent. The frontage of both dwellings would be dominated by the parking spaces/driveways. I find this would be an incongruous layout that would be in contrast with the majority of other properties in the locality that have front gardens and forecourts enclosed predominantly by walling and hedgerows, and which provide an important sense of space around the dwellings and a visual break between the street and houses.
  10. I am conscious that developing this site within the urban area would reduce pressures to develop on greenfield sites, and that the site is located within a sustainable location close to local amenities with good access to public transport to enable access to employment, shopping, recreation and other facilities further afield. The Appellant has also drawn my attention to a larger scale development on the site of a former social club opposite the appeal site. Nonetheless, these factors do not outweigh my concerns relating the scale of the proposed development.
  11. Having regard to the above, I conclude that the development would have a harmful impact on the character and appearance of the street scene. It would, therefore, conflict with Policy SP2 of the LDP.
  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.

13. Based on the foregoing and having considered all matters raised, I conclude that the appeal should be dismissed.

*Richard Duggan*

INSPECTOR