

## **APPEALS**

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

<b>CODE NO.</b>	C/19/3220905 (1850)
<b>ENF NO.</b>	ENF/79/18/ACK
<b>APPELLANT</b>	MRS ELIZABTH THORNE
<b>SUBJECT OF APPEAL</b>	UNAUTHORISED CHANGE OF USE OF LAND TO DOMESTIC GARDEN AREA: 1 BLACKFIELD ROW, CEFN CRIBWR
<b>PROCEDURE</b>	WRITTEN REPRESENTATIONS
<b>DECISION LEVEL</b>	ENFORCEMENT NOTICE

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<b>CODE NO.</b>	A/19/3220903 (1851)
<b>APPLICATION NO.</b>	P/18/860/FUL
<b>APPELLANT</b>	Mr & MRS THORNE
<b>SUBJECT OF APPEAL</b>	INCLUSION OF LAND TO NORTH OF EXISTING PROPERTY INTO DOMESTIC CURTILAGE: 1 BLACKFIELD ROW, CEFN CRIBWR
<b>PROCEDURE</b>	WRITTEN REPRESENTATIONS
<b>DECISION LEVEL</b>	DELEGATED OFFICER

The application was refused for the following reason:

The site lies in a rural area and the proposal which constitutes an undesirable and inappropriate form of development outside any existing settlement boundary, is considered to be detrimental to the character and appearance of the existing countryside contrary to established national and local planning polices and would set an undesirable precedent for further applications for similar development in this area contrary to Policies PLA1, ENV1 and SP2 of the Bridgend Local Development Plan 2013 and advice contained in Planning Policy Wales (Edition 10, 2018).

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### **The following appeals have been decided 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

**DECISION LEVEL** DELEGATED OFFICER

**DECISION** THE INSPECTOR APPOINTED BY THE WELSH MINISTERS TO DETERMINE THIS APPEAL DIRECTED THAT THE APPEAL BE DISMISSED.

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

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**CODE NO.** A/18/3214133 (1843)

**APPLICATION NO.** P/18/379/FUL

**APPELLANT** MR T JOHN

**SUBJECT OF APPEAL** PROPOSED NEW LAMBING SHED:  
LAND SOUTH SIDE OF PANT HIRWAUN, HEOL Y CYW

**PROCEDURE** WRITTEN REPRESENTATIONS

**DECISION LEVEL** DELEGATED OFFICER

**DECISION** THE INSPECTOR APPOINTED BY THE WELSH MINISTERS TO DETERMINE THIS APPEAL DIRECTED THAT THE APPEAL BE DISMISSED.

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

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**CODE NO.** A/18/3215314 (1844)

**APPLICATION NO.** P/18/652/RLX

**APPELLANT** MISS L TERRY

**SUBJECT OF APPEAL** VARIATION OF CONDITION 4 OF P/16/844/FUL AND CONDITION 2 OF P/17/940/RLX REGARDING THE USE OF THE STEEL STAIRCASE: FIRST FLOOR FLAT & REAR GARDEN 12 SUFFOLK PLACE, 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 ALLOWED SUBJECT TO A CONDITION.

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

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**CODE NO.** A/18/3215516 (1846)  
**APPLICATION NO.** P/18/591/FUL  
**APPELLANT** MR M LEWIS  
**SUBJECT OF APPEAL** CONVERSION OF WORKSHOP & CONSTRUCT SIDE EXTENSION TO PROVIDE A DETACHED SINGLE STOREY DWELLING; SUB-DIVISION OF REAR GARDEN TO PROVIDE AMENITY SPACE, PARKING ETC: 63 OGWY STREET, NANTYMOEL  
**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 D**

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**CODE NO.** D/18/3216843 (1847)  
**APPLICATION NO.** P/18/546/FUL  
**APPELLANT** MRS J WELLAND  
**SUBJECT OF APPEAL** CONSTRUCTION OF A DOUBLE DETACHED GARAGE WITH STORAGE IN LOFT (RESUBMISSION OF APPROVAL P/16/331/FUL WITH AMENDMENTS): BRADFORD COTTAGE, LLANGEINOR  
**PROCEDURE** HOUSEHOLDER  
**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 E**

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#### **RECOMMENDATION**

That the report of the Corporate Director Communities be noted.

**JONATHAN PARSONS**  
**GROUP MANAGER – PLANNING & DEVELOPMENT SERVICES**

#### **Background Papers**

(see application reference number)



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**Penderfyniad ar yr Apêl**

Ymweliad â safle a wnaed ar 04/12/18

**gan A L McCooey BA MSc MRTPI**

**Arolygydd a benodir gan Weinidogion Cymru**

**Dyddiad: 08/01/2019**

**Appeal Decision**

Site visit made on 04/12/18

**by A L McCooey BA MSc MRTPI**

**an Inspector appointed by the Welsh Ministers**

**Date: 08/01/2019**

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**Appeal Ref: APP/F6915/A/18/3213353**

**Site address: Land next to 8 Fford Deri Duffryn, Duffryn Oaks, Pencoed, 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 Anchormill Ltd against the decision of Bridgend County Borough Council.
  - The application Ref P/18/526/FUL, dated 20 June 2018, was refused by notice dated 31 August 2018.
  - The development proposed is the Construction of two detached 2 storey dwellings.
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**Decision**

1. The appeal is dismissed.

**Background and Procedural Matters**

2. This site lies within a new development of dwellings close to the M4 in Pencoed Bridgend. The site is clearly a leftover plot within the development. A temporary marketing suite for the development is situated on the appeal site. The northern and western portions of the site are relatively level whereas the southern part slopes steeply up to the road above. The site is located on a hairpin bend. The portion of the site behind the adjoining dwelling (no. 8) is at a higher level. There are other dwellings across the road on both sides of the site. The site also comprises areas of grass with some scrubby bushes, remnant hedges and small trees also present.
  3. The plot has the benefit of planning permission for a 4 bedroom dwelling. I note that an objection to the application argued that the overall development had not lawfully commenced because the requirements of pre-commencement conditions had not been met. The Council considered that the conditions in question did not go to the heart of the planning permission and that it had therefore lawfully commenced. An application to vary the conditions attached to the reserved matters approval has also been allowed this year. I therefore conclude that the plot has permission for a dwelling. The appeal proposal is construct two 3 bedroom dwellings on the plot instead of the approved single 4 bedroom house.
  4. The current proposal follows an earlier application for a 3 bedroom and 4 bedroom dwelling, which was refused in 2017. An appeal against this decision was not made in time. The plans show very similar buildings to the appeal proposal.
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5. There were several instances where both parties claimed that new matters were being introduced contrary to the new appeal regulations. The prohibition of new matters does not prevent the production of evidence in support of the reasons for refusal or submissions to address those reasons. I have therefore considered the additional information that has been provided by the parties in accordance with this principle. There was extensive debate about the use of the TRICS database system in the production of evidence relating to traffic generation from the proposal. This led to the submission of several sets of such data by the parties together with accompanying comments. I was urged not to accept any of this data because it was new evidence that had been submitted in breach of the deadlines imposed. I consider that in each case additional information was supplied and it was necessary and fair to afford the parties the opportunity to comment on that information. I consider that both parties have had adequate opportunity to comment and I see no reason to ignore any of the information that is before me. I also judge that the version of TRICS used in the calculations would not have significantly altered the results.

### **Main Issue**

6. The main issue is whether the proposal would exacerbate problems with traffic flow and highway safety in the area.

### **Reasons**

7. The extant Bridgend Local Development Plan (LDP) would be supportive of development of the site within an existing development with the extant approval for a dwelling. The main issue related to the effect of additional traffic on the highway network in Pencoed. The existing highway network in the village is severely constrained by the main railway line. The congestion and highway safety issues relate to a level crossing on the main road through the village and not on the network near the appeal site. There is little prospect of a planned highway improvement to address the problems at the level crossing at CoyChurch Road and a sub-standard railway bridge on the Penprysg Road.
8. This has been a long-standing problem that has been recognised in successive Local Plans. LDP Policy PLA 6 states that *Development that will generate a net increase in vehicular traffic movement in Pencoed to the west of the railway line, in the area shown on the proposals map, will not be permitted*. The accompanying text states that for clarity and certainty the specific area to which the Policy applies has been designated on the proposals map. The appeal site is within the identified area.
9. The appellant's evidence seeks to demonstrate that the traffic generation from 2 three-bedroom dwellings would be similar to that of one four-bedroom dwelling. This was supported by information gleaned from the TRICS® database. TRICS® is a very powerful and flexible system, and allows great variation in the calculation of both vehicular and multi-modal trip rates. It is possible, therefore, that two users of the system, applying different criteria and ranges to a task, may end up producing different results. The correct way to build a selection of surveys is to decide initial criteria and then filter the database to provide a representative sample. The incorrect method is to produce trip rates to fit a pre-determined preferred figure<sup>1</sup>.
10. The council has explained that the appellant's data is flawed because different regional data or area-based data has been used to calculate the trip rate for three-bedroom dwellings and four-bedroom dwellings. The appellant's traffic generation figures for 3

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<sup>1</sup> TRICS Good Practice Guide

bedroom properties were gleaned from TRICS® data for a larger number of different geographical areas than was used for 4 bedroom properties. This accounts for the difference in trip rates for the 2 sizes of dwellings. I agree with the council that this data cannot be relied upon. The Council has performed a similar exercise using both new and old versions of TRICS® to demonstrate that two 3 bedroom houses would generate significantly more traffic than one 4 bedroom house. I also note the comments of objectors that the appellant's figures do not make sense in terms of the trips generated related to the number of dwellings. I therefore conclude that the proposal for two dwellings would generate more traffic than the approved single dwelling on the site. The proposal would conflict with the terms of policy PLA 6 and the reason for refusal is justified.

11. I noted that the 2017 planning application proposal was for two similar buildings to the appeal proposal. One of these earlier dwellings was a 4 bedroom dwelling that fourth bedroom has become a smaller study moving internal partition walls to make bedroom three somewhat larger. It would be a simple matter to reinstate that fourth bedroom. This internal alteration could be made without the need for planning permission. I do not find the appellant's point that this would be contrary to marketing regulations to be convincing. I noted that there was a range of house types and sizes on the overall site during my site visit. The previous proposal was for a 4 bedroom dwelling. This contradicts the point that market forces are more suited to 3 bedroom dwellings. This possibility that one of the dwellings could have 4 bedrooms reinforces the Council's case.
12. The transport evidence of the appellant referred to the approval of several developments in the area which it is alleged would be contrary to the policy. The council points out that the new school referred to, the redevelopment of the former school site and the new development of apartments are all located outside the area where development is prohibited, as identified in Policy PLA 6. As these developments are outside the identified area, then the policy embargo does not apply. This policy was tested as part of the LDP examination and was found to be sound. I note the information supplied by the appellant on the potential effects of these developments on traffic west of the railway line. The Council has also supplied information on the traffic implications that seeks to distinguish them from the appeal proposal. I agree that their characteristics are not directly comparable to the appeal proposal. In any event, these developments are outside the identified area in Policy PLA6.
13. No information on the rationale for or effect on vehicular movements as a result of the park-and-ride facility that has been provided nearby was supplied. The appellant surmised that it was constructed to relieve delays at the level crossing. I do not consider that this facility is comparable to the appeal proposal. The change of use of a granny annexe at Duffryn farm house has been explained by the council. The annex was approved as a two-bedroom bungalow with 2 car parking spaces. An application was made and approved for the removal of a condition prohibiting occupation of the annex separately from the main dwelling. As the traffic generation from the annex would not significantly change, this application was found to be acceptable. I agree with this assessment and find the appellants reliance on the TRICS® database to justify a different level of traffic generation to be unfounded. In any event the circumstances of this case are not directly comparable to the appeal proposal.
14. The existing traffic problems in Pencoed were not disputed. I appreciate that one additional dwelling would not give rise to significantly more traffic in the area. However, the cumulative effect of many such developments would be harmful to

highway safety and the free flow of traffic through the village. I note that this was the approach in two appeal decisions<sup>2</sup> referred to by the Council. The proposed development would be in conflict with Policy PLA 6 for this reason and I do not consider that the appellant's examples of other development in the vicinity are comparable to the proposal or within the identified area in the policy in most cases.

### **Other matters**

15. The appellant supplied reports on the existing trees and vegetation on the site and an ecological survey. Despite the concerns regarding the introduction of new matters as discussed above, the council has confirmed that the additional information on landscaping and ecological matters would address the 2<sup>nd</sup> reason for refusal. On this basis I am content that no further examination of this issue is required. I note that the Council has confirmed that the outstanding matter of approval for the removal of trees that were subject to a tree preservation order has been resolved.
16. I consider that sufficient information has been supplied to assess the proposed levels within the site and the nature of any retaining walls that would be required. The Council's sole remaining issue related to overlooking of the private amenity area of no. 8, the adjoining dwelling. I note that this area is already overlooked from the adjoining footway which is at a higher level. The appellant has indicated that a fence would be provided along this footway which would reduce the overlooking from the footpath. Similarly I consider that a fence or planting could have addressed the overlooking issue from the garden of 65A. This could have been required as a condition on any approval.
17. I have taken account of the other issues raised by objectors as reported in the council's delegated report. I agree with the council's assessment of those issues and consider that they do not raise any other matters that would justify the refusal of planning permission for this development. I have considered the duty to improve the economic, social, environmental and cultural well-being of Wales, in accordance with the sustainable development principle, under section 3 of the Well-Being of Future Generations (Wales) Act 2015 ("the WBFG Act"). In reaching this decision, I have taken into account the ways of working set out at section 5 of the WBFG Act and I consider that this decision is in accordance with the sustainable development principle through its contribution towards one or more of the Welsh Ministers well-being objectives set out as required by section 8 of the WBFG Act.

### **Conclusion**

18. I have taken into account all the matters raised and conclude that none of these matters outweigh my conclusion that the proposal would be contrary to LDP Policy PLA 6 and as a result detrimental to highway safety and the free flow of traffic through the village. For the reasons given above, the appeal is dismissed.

*A L McCooey*

**Inspector**

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<sup>2</sup> Appeal reference APP/F6915/A/2071917 for two dwellings at Hendre Road and APP/F6915/A/17/3166499 for one dwelling at Woodland Avenue, both within the area identified in Policy PLA 6.





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**Penderfyniad ar yr Apêl**

Ymweliad â safle a wnaed ar 14/01/19

**gan Nicola Gulley MA MRTPI**

**Arolygydd a benodir gan Weinidogion Cymru**

**Dyddiad: 29/01/2019**

**Appeal Decision**

Site visit made on 14/01/19

**by Nicola Gulley MA MRTPI**

**an Inspector appointed by the Welsh Ministers**

**Date: 29/01/2019**

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**Appeal Ref: APP/F6915/A/18/3214135**

**Site address: Land at South Side of Pant Hirwaun, Heol y Cyw, 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 Terrence John against the decision of Bridgend County Borough Council.
  - The application Ref P/18/379/FUL, dated 1 February 2018, was refused by notice dated 1 August 2018.
  - The development proposed is a new lambing shed.
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**Decision**

1. The appeal is dismissed.

**Main Issue**

2. The main issue in this case is the effect of the proposed development on the character and appearance of the countryside.

**Reasons**

3. The appeal site is situated in the open countryside between the settlements of Bryncethin and Heol-y-Cym. The site comprises a rectangular area of pasture currently used as a smallholding, which includes a storage area for materials, two small detached sheds used for poultry and a larger detached shed intended for the storage of equipment which, at the time of my site visit, was under construction. The appeal site is enclosed by a combination of mature trees, hedgerows and fencing.
  4. Policies SP2 and ENV1 of the Adopted Bridgend Local Development Plan (LDP) (2013) make clear that all development in the countryside will be strictly controlled but may be acceptable where, amongst other things, it is necessary for the purposes of agriculture and no suitable alternative structure exists to accommodate the proposed use. This approach is consistent with the requirements of Planning Policy Wales, Edition 10 (December 2018).
  5. The planning history of the site indicates that permission was granted in June 2016 for the retention of two timber sheds, and access road and the construction of a further three sheds and a pig shelter. Planning permission therefore exists for five sheds on
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the site, of which two are yet to be constructed. The development proposes the construction of a further building for lambing purposes in the south-east corner of the appeal site. The building, which would be of a mono-pitched design, would measure some 10 metres in length by 8.4 metres wide, have an overall height of 5 metres and would be finished in metal cladding sheets.

6. In support of the proposal the appellant has submitted: an agricultural questionnaire, which provides details of the current and future scale of operations at the smallholding; and guidance from the DEFRA<sup>1</sup> in relation to the scale and design of new lambing facilities. The questionnaire indicates that there are currently 2 sheep, 4 pigs, 20 chickens and 8 ducks on the smallholding and that the appellant has no immediate plans to increase the level of livestock.
7. The Council raises no objection to the proposed development on the basis of visual amenity. I agree that the design of the building together with its sitting would ensure that the development would not have an adverse impact on the visual qualities of the site or surrounding area.
8. Although I note the appellant's wish to ensure the welfare of his livestock, I am nevertheless mindful that proposals in this location need to be supported by evidence which demonstrates that development in the Countryside is necessary. In this case however, no substantive evidence has been presented which explains: the nature and/or scale of future operations at the smallholding; the current and/or future need for the lambing shed; and why the proposal could not be accommodated within the existing or unconstructed sheds. As such, I consider that the proposal would result in unjustified development which, by definition, would have an adverse impact on the character and appearance of the countryside, and would be contrary to LDP Policies SP2 and ENV1 and the provisions of PPW.

### **Conclusions**

9. 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.
10. I have also had regard to all the matters raised in support of the scheme. However, none of these factors are sufficient to alter my overall conclusions. I consider that the proposal would result in unjustified development which would have an adverse impact on the character and appearance of the countryside.
11. For the reasons given above, I conclude that the appeal should be dismissed.

*Nicola Gulley*

INSPECTOR

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<sup>1</sup> Department for Environment, Food and Rural Affairs (DEFRA) - Improving Lamb Survival (2004)

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**Penderfyniad ar yr Apêl**

Ymweliad â safle a wnaed ar 14/01/19

**gan Nicola Gulley MA MRTPI**

**Arolygydd a benodir gan Weinidogion Cymru**

**Dyddiad: 30/01/19**

**Appeal Decision**

Site visit made on 14/01/19

**by Nicola Gulley MA MRTPI**

**an Inspector appointed by the Welsh Ministers**

**Date: 30/01/19**

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**Appeal Ref: APP/F6915/A/18/3215314**

**Site address: First Floor Flat and Rear Garden, 12 Suffolk Place, Porthcawl, Bridgend, CF36 3EA**

**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 under section 73 of the Town and Country Planning Act 1990 for the development of land without complying with conditions subject to which a previous planning permission was granted.
  - The appeal is made by Miss Lee Terry against the decision of Bridgend County Borough Council.
  - The application Ref P/18/652/RLX, dated 2 August 2018, was refused by notice dated 1 October 2018.
  - The application sought planning permission for the variation of condition 4 of P/16/844/FUL and condition 2 of P/17/940/RLX regarding the use of the steel staircase
  - The conditions in dispute are Nos 4 of planning permission P/16/844/FUL, dated 14 December 2016 and condition 2 of P/17/940/RLX, dated 12 December 2017, which states that: The external fire escape hereby permitted shall be used solely for the purpose of an emergency fire escape and at no time shall be used for general amenity purposes.
  - The reason given for the conditions is: In the interest of residential amenities.
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**Decision**

The appeal is allowed and planning permission is granted for the variation of condition 4 of P/16/844/FUL and condition 2 of P/17/940/RLX regarding the use of the steel staircase at the First Floor Flat and Rear Garden, 12 Suffolk Place, Porthcawl, Bridgend, CF36 3EA, in accordance with the terms of the application, P/18/652/RLX, dated 2 August 2018, and the condition set out below.

- 1) No screen is to be erected on any part of the steel staircase hereby approved.

Reason: To protect the character and visual amenities of the area

**Main Issue**

1. The main issue is the effect that amending the conditions would have on the living conditions of the occupiers of the adjacent dwelling.
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## Reasons

2. The appeal site comprises the first floor flat, which forms part of a traditional terraced dwelling, located close to the junction of Suffolk Road and Philadelphia Road. To the rear of the appeal dwelling is a steel staircase, which leads directly from the flat to the properties small garden area. The garden is laid to patio and enclosed, for the most part, by brick built walls approximately a metre in height and separated from the side boundary of 52 Philadelphia Road, by a narrow rear lane.
3. Policy SP2 of the Adopted Bridgend Local Development Plan (LDP) (2013) seeks to ensure that all proposals contribute to creating high quality, sustainable development which does not adversely impact on the amenity of existing residents. Additional guidance is contained in the Council's Supplementary Planning Guidance (SPG): Householder Development. The development proposes the variation of condition to allow the external steel staircase, which currently serves as an emergency access/egress only, to be used to access the rear garden of the property. The staircase is of a traditional design with an access platform located at first floor level.
4. The Council contends that, because of its siting, the use of the staircase for general amenity purposes would allow unrestricted views of the rear garden area and habitable rooms in the rear and side elevations of 52 Philadelphia Road and, in doing so, have an adverse impact on the living conditions of the occupiers of that property. These concerns are shared by the residence of No.52.
5. Although I note these concerns, I am mindful that in densely developed urban areas a degree of mutual overlooking is inevitable. The orientation of the adjoining property, at a right angle to the appeal site, coupled with the position of the narrow lane and the low boundary walls of both properties means that direct and unrestricted views are already afforded into the kitchen and lounge windows of No 52. In my opinion the proposal would not materially alter this situation or result in any further loss of privacy. With regard to the first floor bedroom window, although I note that the access platform would be sited at roughly the same height as the opening, I consider that its siting, in the rear elevation of No. 52, when considered in conjunction with the orientation of the adjacent property would ensure that only oblique views of the window would be afforded from the appeal dwelling. In terms of the view into the rear garden area of No.52, the siting and pitched roof design of the small outbuilding, located close to the rear side boundary wall of the adjacent dwelling, would ensure that no direct views of the garden would be afforded from the proposed staircase. As such, I consider that the proposal would not have an adverse impact on the living conditions of the occupiers of the adjacent property or be contrary to the objectives of LDP Policy SP2 and the SPG.

## Conclusions

6. 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.
7. For the reasons given above, I conclude that the appeal should be allowed.

*Nicola Gulley*

INSPECTOR



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**Penderfyniad ar yr Apêl**

Ymweliad â safle a wnaed ar 11/01/19

**gan P J Davies BSc (Hons) MA MRTPI**

**Arolygydd a benodir gan Weinidogion Cymru**

**Dyddiad: 31/01/19**

**Appeal Decision**

Site visit made on 11/01/19

**by P J Davies BSc (Hons) MA MRTPI**

**an Inspector appointed by the Welsh Ministers**

**Date: 31/01/19**

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**Appeal Ref: APP/F6915/A/18/3215516**

**Site address: 63 Ogwy Street, Nantymoel, Bridgend CF32 7SN**

**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 Mark Lewis against the decision of Bridgend County Borough Council.
  - The application Ref P/18/591/FUL, dated 18 July 2018, was refused by notice dated 26 September 2018.
  - The development proposed is conversion of workshop and side extension to provide a detached single storey dwelling and subdivision of large rear garden to provide adequate amenity space, parking etc.
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**Decision**

1. The appeal is dismissed.

**Main Issues**

2. These are the effect of the proposed development on: the character and appearance of the area; residents living conditions; and, whether there is sufficient information to assess the proposed development with regard to the proposed land levels.

**Reasons**

3. The appeal site comprises a traditional stone outbuilding and is part of the steeply sloping rear garden of an existing dwelling. The building is a modest pitch roof structure with gable end elevations that give it a simple balanced appearance. The proposed extension would continue the length of the building alongside a rear access lane and project beyond its existing width. As a consequence it would appear disproportionate in shape and design to the existing building. The extensive flat roof feature would be a further anomaly that would fail to reflect the roof form of the building. In these circumstances the proposal would result in an unsympathetic and incongruous addition to the existing building that would be readily apparent in public views from the rear lane and also in private views from the rear aspect of nearby properties.
  4. The appellant has indicated a willingness to amend the scheme but there are no specific details before me and I must determine the proposal on the basis of that considered by the Council. In any event, any amendments to the scheme design are likely to be significant and requiring re-consultation. The appeal process would not therefore be the appropriate place to consider such amendments.
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5. The appeal site falls steeply away from the rear lane and considerable engineering works would be required to create a useable parking area and garden space. A cross section drawing suggests that the garden level would be significantly raised in the vicinity of No 1 Hill Street which adjoins the site at a right angle. The rear aspect of the latter is within close proximity to the application site boundary and therefore a raised patio and parking area also close to the boundary would result in a significant loss of privacy for the occupiers of No 1. Although a privacy screen might overcome some of these concerns, its height and proximity would have an oppressive and overbearing impact on the living conditions of the occupiers of No 1. I note that there is no objection from neighbouring residents but this does not warrant granting planning permission for development which is unacceptable in planning terms.
6. The proposal would result in a significant part of the site being taken up with new building and a hard surfaced driveway and parking area. The surrounding area is built up and Nos 1 and 2 Hill Street have limited private amenity space. However, the proposal would be largely seen in the context of the long rear gardens of adjacent properties and verdant spaces to the south and east. In this context the proposal, with its significant alteration to ground levels necessitating substantial retaining walls, would appear crammed into the site. Not only would there be limited outside garden space for the occupants of the proposed dwelling, the proposal would appear overdeveloped and cramped in relation to its surroundings.
7. For the above reasons I find that the proposal would be harmful to the character and appearance of the surrounding area and residents living conditions. This would be contrary to the objectives of Policy SP2 of the Bridgend Local Development Plan which amongst other things seeks design of the highest quality possible, and to ensure that the amenity of neighbouring occupiers will not be adversely affected.
8. Turning to the proposed changes to land levels, a cross section through the site has been provided. However, this does not clearly explain how materials would be delivered to site or how any retaining walls would affect the properties in Hill Street. Given the narrowness of the rear lane and the substantive engineering works required, it would be necessary for these matters to be properly assessed before any planning permission is granted. A condition would not therefore be an appropriate means of addressing this material planning consideration.
9. 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 WBFG Act.

### **Conclusions**

10. 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 12/12/18

**gan Joanne Burston BSc MA MRTPI**  
**Arolygydd a benodir gan Weinidogion Cymru**  
**Dyddiad: 28/12/18**

## Appeal Decision

Site visit made on 12/12/18

**by Joanne Burston BSc MA MRTPI**  
**an Inspector appointed by the Welsh Ministers**  
**Date: 28/12/18**

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**Appeal Ref: APP/F6915/D/18/3216843**

**Site address: Bradford Cottage, Llangeinor, Bridgend CF32 8RD**

**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 J Welland against the decision of Bridgend County Borough Council.
  - The application Ref P/18/546/FUL, dated 01 July 2018, was refused by notice dated 3 September 2018.
  - The development is the proposed construction of double detached garage with storage loft (re-submission of approval P/16/331/FUL due to slight increase in area and re-siting of garage 600mm away from watercourse / culvert).
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### Decision

1. The appeal is allowed and planning permission is granted for the proposed construction of double detached garage with storage loft (re-submission of approval P/16/331/FUL due to slight increase in area and re-siting of garage 600mm away from watercourse / culvert) at Bradford Cottage, Llangeinor, Bridgend CF32 8RD in accordance with the terms of the application, Ref P/18/546/FUL, dated 01 July 2018 and the plans submitted with it, subject to the following conditions:
    - 1) The development shall be carried out in accordance with the following approved plans and documents: Site plan; SK01 (Approved and proposed front elevations); 1663/BRO1 (Detail sections); 1663/BRO2 (Detail sections); 1663/BR03 (Section); 1663/BR04 (Raised collar truss); and Proposed garage with loft storage areas, dated June 2018.
    - 2) Within 3 months of the date of this decision details of the materials to be used in the construction of the external surfaces of the garage hereby approved shall be submitted in writing to the Local Planning Authority for approval. The garage shall be completed in accordance with the approved details within 12 months of their approval.
    - 3) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development Order 1995 or any Order revoking and re-enacting that Order, the garage and store shall be retained as such at all times and shall not be converted into living accommodation without the prior written consent of the Local Planning Authority.
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## Procedural Matters

2. Planning permission for a double garage was granted in 2016 under reference P/16/331/FUL. However, due to unforeseen circumstances encountered during construction, the garage dimensions were increased by 1.1m in length, 1.6m in width and 535mm in height. Accordingly, a further planning application was made to regularise the development, which is now the subject of this appeal. Given that the development is substantially complete I have determined this appeal on the basis of what I saw on my site visit and the evidence before me.
3. 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.

## Main Issues

4. The main issues in this case are:
  - the effect of the proposed development on the character and appearance of the host dwelling and the setting of Fullers Mill; and
  - The visual impact of the proposed development on users of the nearby Public Right of Way, including footpaths and a Byway Open to All Traffic (BOAT).

## Reasons

### *Character and appearance*

5. Bradford Cottage is constructed from rubble stone, painted white, with a slate gable roof and has been extended, with a large two-storey addition. The cottage occupies a large plot with extensive gardens. Access to the cottage is via a BOAT, from the A4064 at Llangeinor. There are also a number of public footpaths in the surrounding area.
6. The Cottage was historically used as a Fulling Mill and a derelict outbuilding, located between the cottage and the garage, would have used for this purpose. The Glamorgan Gwent Archaeological Trust state that the outbuilding is an important example of early post medieval cottage industry, and as such it has been designated as a locally significant building. Whilst this designation does not bring any additional statutory protection to the building, it is the intention of Bridgend Local Development Plan (LDP) Policy SP5 to ensure that full consideration is given to the conservation and continued use of such buildings, as part of the protection and enhancement of the special identity of Bridgend County Borough.
7. Further, Technical Advice Note 12: Design sets out in paragraph 5.5.1 that "*The way in which development relates to its urban or rural landscape or seascape context is critical to its success. Because of this, an understanding of landscape quality, including its historic character, is fundamental to the design process.*"
8. Although bigger than originally envisaged, the garage would still appear subservient to the cottage, being 'cut in' to the hillside and the proposed fenestration and external materials would reduce the perceived scale of the garage. Moreover given the proximity of the garage, the Mill and the dwelling the buildings appear associated and thus the prominence of the garage is reduced. Both Bradford Cottage and the locally

significant outbuilding would retain their current appearance of a cottage with a coterie of outbuildings set in otherwise open and rural surroundings.

9. Additionally, the garage and store above is an attractively designed structure, whose form and sympathetic use of materials has resulted in it blending in reasonably well with the host property and its surroundings. Overall it does not detract from the proportions of the host dwelling and is sensitively and harmoniously integrated with the adjacent historic asset.
10. Therefore, given my findings above, the proposal would not have a harmful effect on the character and appearance of the host dwelling and would conserve the setting of the locally significant building 'Fullers Mill'. The scheme would comply with LDP Policies ENV1, SP2 and SP5, which seek to ensure that all development should contribute to creating high quality, attractive and sustainable places through high quality design, whilst respecting and enhancing local character and distinctiveness.

#### *Visual impact*

11. When approaching the garage using the BOAT from the A4064 it is largely hidden from public view by the local topography and the existing buildings. The garage only becomes visible when nearly upon it. A walker quickly passes it by and would continue up the footpath. In the opposite direction a walker would see the pitched roof of the garage in conjunction with the roof of the cottage from some way up the hill. However, from this direction the size and scale of the garage is somewhat mitigated by being cut into the hillside.
12. The change from garden area to a garage would have some visual impact. Nevertheless, given that the appeal site is within a residential curtilage and the boundary features clearly mark the vehicular access to Bradford Cottage the garage would not be an unusual or unexpected addition. Furthermore, as the surrounding planting matures it would in effect contain the development in distant views.
13. Accordingly, whilst the increase in size of the garage would inevitably have some visual impact on people using the various rights of way in the area, its effect would be relatively modest and as such it would not be visually intrusive or overbearing in its context. The appeal proposal would therefore accord with LDP Policies ENV1, SP2 and SP5, which seek to ensure new developments respect and enhance the local character and context, whilst ensuring that neighbouring amenity would not be adversely affected.

#### **Conditions**

14. In addition to the standard condition which directs that development takes place in accordance with the approved plans, the Council has suggested several conditions in the event the appeal succeeds. I have considered these, and amended them where necessary, in light of the advice contained within Circular 016/2014.
15. A condition to require the details of external materials is necessary to minimise any impact on the character and appearance of the host dwelling. A condition to ensure that the building is used for a garage and store and not converted to living accommodation is also necessary in the interests of the character and appearance and the amenity of the area. Whilst the Council suggested a commencement condition, the development is substantially constructed and therefore such a condition is not necessary.

**Conclusion**

16. I have afforded weight in the planning balance to all the points made in opposition to this proposal but nothing overrides my conclusions above and the reasons for them. Accordingly, the appeal is allowed.

*Joanne Burston*

INSPECTOR