

## **APPEALS**

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

<b>CODE NO.</b>	A/19/3225311 (1856)
<b>APPLICATION NO.</b>	P/18/1025/FUL
<b>APPELLANT</b>	MR N & MRS M ARNOLD
<b>SUBJECT OF APPEAL</b>	SITING OF A MOBILE TIMBER ECO RESIDENTIAL UNIT BLACKBRIDGE ARABIAN STUD, TYLAGWYN, PONTRHYL
<b>PROCEDURE</b>	HEARING
<b>DECISION LEVEL</b>	DELEGATED OFFICER

The application was refused for the following reason:

1. The site lies in a rural area and the proposal, which constitutes an undesirable extension of urban development outside any settlement boundary, would be prejudicial to the character of the area in which it is intended that the existing uses of land shall remain for the most part undisturbed, would be contrary to established national and local planning policies to the detriment of visual amenities, contrary to Policy ENV1 of the Bridgend Local Development Plan.
2. Insufficient details of the mobile timber eco unit, the access and parking arrangements and drainage systems to serve the development have been submitted to enable the implications of the proposal to be properly evaluated by the Local Planning Authority.

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<b>CODE NO.</b>	A/19/3225665
<b>APPLICATION NO.</b>	P/18/547/FUL
<b>APPELLANT</b>	MR S MIDDLETON
<b>SUBJECT OF APPEAL</b>	REGULARISATION OF EXTERNAL FINISHES TO DWELLING THE HAVEN 21 ABERGARW MEADOW, BRYNMENYN, BRIDGEND
<b>PROCEDURE</b>	WRITTEN REPRESENTATIONS
<b>DECISION LEVEL</b>	DELEGATED OFFICER

The application was refused for the following reason:

1. The as built dwelling, by reason of its scale, siting and external finishes, is visually obtrusive and generally out of character with the remainder of the development site within which it is located and sets an undesirable precedent for other developments at Abergarw Meadows to attempt to depart from the Development Brief and guidelines adopted for the site, thereby prejudicing the creation of a cohesive development to the detriment of visual amenities, contrary to Policy SP2 of the Bridgend Local Development Plan.
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**CODE NO.** A/19/3225746 (1858)  
**APPLICATION NO.** P/18/907/RLX

**APPELLANT** MR & MRS BATER

**SUBJECT OF APPEAL** VARY CONDITION 2 OF P/16/660/FUL TO PROVIDE A SOLID SCREEN TO THE EAST FACING ELEVATION ONLY  
WHITEHALL COTTAGE, PENYFAI

**PROCEDURE** WRITTEN REPRESENTATION

**DECISION LEVEL** DELEGATED OFFICER

The application was refused for the following reason:

1. The removal of the west facing privacy screen to the elevated balcony area would have an unneighbourly and overlooking impact on the occupiers of the neighbouring residential property (Green Meadow) to the detriment of their residential amenities. As such, the proposal would be contrary to policy SP2 of the Bridgend Local Development Plan (2013) and Supplementary Planning Guidance 02: Householder Development.

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**CODE NO.** A/19/3226420 (1859)  
**APPLICATION NO.** P/18/898/RES

**APPELLANT** MR D JENKINS

**SUBJECT OF APPEAL** RESERVED MATTERS TO P/14/742/OUT TO RETAIN DWELLING AS BUILT WITH SWIMMING POOL AND GLAZED PANELS ABOVE BOUNDARY WALLS  
PLOT 11 ABERGARW MEADOWS, BRYNMENYN

**PROCEDURE** WRITTEN REPRESENTATIONS

**DECISION LEVEL** DELEGATED OFFICER

The application was refused for the following reasons:

1. The development would be detrimental to local visual amenities, by reason of its incompatible roof forms together with the height and materials used for the boundary enclosures, in close proximity and in full view of users of the adjoining highway, contrary to Policy SP2 of the Bridgend Local Development Plan and Supplementary Planning Guidance 02: Householder Development.
2. The swimming pool infringes the safeguarding zone of the public sewer, which crosses the site thereby preventing access for maintenance and/or repair with there being a significant risk of damage to the sewer to the detriment of the health and safety of occupiers of the property, and safety of operatives effecting repairs as well as an undue risk of pollution to the detriment of the environment contrary to Policies SP2 and ENV7 of the Bridgend Local Development Plan.

**CODE NO.** C/19/3226431 (1860)  
**APPLICATION NO.** ENF/241/18/ANC

**APPELLANT** MR D JENKINS

**SUBJECT OF APPEAL** NON COMPLIANCE WITH APPROVALS P/16/222/RES,  
P/17/34/DOC & P/17/1086/FUL  
22 ABERGARW MEADOW (PLOT 11), BRYNMENYN

**PROCEDURE** WRITTEN REPRESENTATIONS

**DECISION LEVEL** ENFORCEMENT

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**CODE NO.** C/19/3226631 (1861)  
**APPLICATION NO.** P/18/898/RES

**APPELLANT** MR N REES

**SUBJECT OF APPEAL** PROPERTY IN STATE OF DISREPAIR  
6 WARWICK CRESCENT, PORTHCAWL

**PROCEDURE** WRITTEN REPRESENTATIONS

**DECISION LEVEL** ENFORCEMENT

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

**CODE NO.** C/18/3216164 (1845)  
**ENF NO.** ENF/41/18/ANC

**APPELLANT** MR S RUDD

**SUBJECT OF APPEAL** NON COMPLIANCE WITH APPROVAL P/13/425/FUL  
SCHOOL HOUSE, SCHOOL TERRACE, NORTH CORNELLY

**PROCEDURE** WRITTEN REPRESENTATIONS

**DECISION LEVEL** DELEGATED OFFICER

**DECISION** THE INSPECTOR APPOINTED BY THE WELSH MINISTERS  
TO DETERMINE THIS APPEAL DIRECTED THAT THE APPEAL  
BE PART ALLOWED AND THE ENFORCEMENT NOTICE VARIED.

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

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**CODE NO.** D/19/3220063 (1849)  
**ENF NO.** P/18/699/FUL

**APPELLANT** MR L NORMAN

**SUBJECT OF APPEAL** RETENTION OF FEATHER EDGE WOODEN FENCE AT THE FRONT AND SIDE OF PROPERTY  
28 CEMETERY ROAD, MAESTEG

**PROCEDURE** HOUSEHOLDER

**DECISION LEVEL** DELEGATED OFFICER

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

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

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**CODE NO.** H/19/3221319 (1852)  
**ENF NO.** A/18/25/ADV

**APPELLANT** MR K JACKSON

**SUBJECT OF APPEAL** ADVERTISING BOARD FOR JACKSON CABS  
SIDE OF 4 SUNNYSIDE, BRIDGEND

**PROCEDURE** COMMERCIAL

**DECISION LEVEL** DELEGATED OFFICER

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

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

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#### **RECOMMENDATION**

That the report of the Group Manager Planning & Development Services 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 15/01/19

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

Arolygydd a benodir gan Weinidogion Cymru

Dyddiad: 04.04.19

## Appeal Decision

Site visit made on 15/01/19

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

an Inspector appointed by the Welsh Ministers

Date: 04.04.19

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**Appeal Ref: APP/F6915/C/18/3216164**

**Site address: The School House, School Terrace, North Cornelly, Bridgend CF33 4HU**

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

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
  - The appeal is made by Mr Stephen Rudd against an enforcement notice issued by Bridgend County Borough Council.
  - The enforcement notice, Ref ENF/41/18/ANC, was issued on 4 October 2018.
  - The breach of planning control as alleged in the notice is '*Without planning permission the erection of an entrance canopy, wall and pillars which exceed the limits outlined in the Town and Country Planning (General Permitted Development) Order*'.
  - The requirements of the notice are:
    - (i) *Remove the entrance canopy, supporting concrete columns and red brick boundary wall.*
    - (ii) *Remove all materials resulting from step (i) above.*
  - The period for compliance with the requirements is 2 months after the Notice takes effect.
  - The appeal is proceeding on the grounds set out in section 174(2)(a), (e), (f) and (g) of the Town and Country Planning Act 1990 as amended.
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## Decision

1. The appeal is allowed in respect of ground (g) and to a limited extent in respect of ground (f), and I direct that the Enforcement Notice ("the Notice") be varied by:
    - The deletion of the Requirements in their entirety, and their substitution with the following text:
      - (i) *Remove the entrance canopy and supporting concrete columns.*
      - (ii) *EITHER (a) Reduce the height of the red brick pillars so that the resulting structure constitutes permitted development under Class A of Part 2 to Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995, as amended for Wales; OR (b) Remove the red brick boundary wall.*
      - (iii) *Remove from the land all materials resulting from compliance with (i) and either (ii)(a) or (b) above.*
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- The deletion of "2 months" and its substitution with "6 months" as the period for compliance with the requirements of the Notice.
2. Subject to these variations, I dismiss the appeal on grounds (a) and (e), uphold the Notice and refuse to grant planning permission on the application deemed to have been made.

### **Procedural Matters**

3. Planning Policy Wales 10 (PPW) has been published since the serving of the Notice and the submission of the appeal. Accordingly, the main parties were given a period of one week to make any additional comments in respect of the issues raised in the appeal.

### **The appeal on ground (e)**

4. An appeal on ground (e) is that the Notice was not properly served. The appellant argues that the Notice was not served on all parties with an interest in the land i.e. the mortgage company.
5. Whether or not the Council pursued details of the mortgagee, the fact remains that the Council served the Notice on the appellant as the owner of the land specified in the response to the Planning Contravention Notice it served on 11 June 2018. The appellant therefore knew about these proceedings and an appeal was duly made within time. Section 176(5) of the amended 1990 Act allows me to disregard any failure to serve the Notice provided that this would not substantially prejudice the person concerned. In this case, even were there a question regarding service of the Notice, the appellant has not been substantially prejudiced. The appeal on ground (e) must therefore fail.

### **The appeal on ground (a) / deemed planning application**

6. An appeal on ground (a) is that planning permission should be granted for what is alleged in the Notice. In this case, the main issue is the effect of the development on the character and appearance of the area.
7. The appeal property consists of a detached, two storey dwelling which fronts a road junction and is highly visible in the street scene. The house has previously been extended with a two storey side extension<sup>1</sup>. It also incorporates a single storey element to the other side elevation, consisting of a double garage with dormer windows above together with a canopy that extends across its width and part of the front elevation of the dwelling.
8. The development the subject of the Notice consists of an entrance canopy which projects 90 degrees off the canopy on the front elevation of the dwelling and extends the depth of the front curtilage to a point where it meets the footway. The hipped roof canopy is supported by two substantial concrete columns which abut the red brick boundary walls. The walls incorporate brick pillars some 1.8 metre high along their length.
9. The surrounding area is predominantly residential in character, with the built form a mix of traditional and modern properties of varying design and external appearance. In terms of front boundary enclosures, there are a number of red brick front boundary treatments in the vicinity, albeit with more modest pillars, generally restricted to those either side of an entrance gate.

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<sup>1</sup> Planning permission P/13/425/FUL refers.

10. I do not take issue with the red brick finish of the boundary wall at the appeal site, given the presence of those in the surrounding area that I have already described. However, the pillars, due to their number and height, have an imposing physical presence and contribute to the creation of a front boundary treatment which dominates in the street scene.
11. The canopy and its supporting columns extend substantially forward of the dwelling, creating an alien feature at the front of the property which is also uncharacteristic of the area. Together, the overly grand appearance of the canopy with its columns and the imposing boundary treatment, overwhelm the more modest front elevation of the property. To this end, the development has a harmful effect on the character and appearance of the area.
12. In particular, the appellant has drawn my attention to the front property boundary of the dwelling opposite the appeal site, which consists of a red brick wall with high pillars and railing infills. I do not consider that the presence of this means of enclosure justifies what is otherwise and unacceptable form of development. Rather, it only serves to reinforce my concern regarding the adverse visual impact of the development before me.
13. Consequently, the development is in conflict with Policy SP2 of the adopted Bridgend Local Development Plan 2013 which requires new development to be of the highest quality design which respects and enhances local character. It would also be at odds with the objectives of good design as outlined in PPW and Technical Advice Note 12 '*Design*'.
14. I acknowledge the appellant's desire to protect the privacy and amenity of the property not least due to the dwelling's location adjacent to a busy highway junction. However, I am not convinced that the development the subject of the appeal is the only way in which this objective can be achieved, or that this matter outweighs the harm for the reasons I have already given.
15. I note the appellant's willingness to replace the orange coloured ridge tiles on the canopy roof and paint the columns in cream to match the colour of the existing dwelling. The appellant has also suggested that the development could be made acceptable through the imposition of conditions dealing with such matters and by the submission of a scheme to agree details of the proposed new access and the retention of vision splays.
16. Be that as it may, I am not satisfied that changing the ridge tiles or painting the columns would overcome the harm caused by the scale and design of the entrance canopy. Furthermore, in this case where a Notice has been served, it would not be appropriate to attach a condition requiring the submission of a scheme for the creation of a new vehicular access that may or may not be acceptable to the Council for highway safety or other reasons. Unlike an application for planning permission for development yet to commence, the development has already occurred and I am required to consider the acceptability of the development the subject of the Notice under the ground (a) appeal / deemed planning application, rather than an alternative scheme.

**The appeal on ground (f)**

17. An appeal on ground (f) is that the steps required to comply with the requirements of the Notice are excessive and lesser steps would overcome the objections.

18. In support of his case, the appellant states in the grounds of appeal that at no stage prior to the serving of the Notice did the LPA suggest that the entrance canopy, or anything other than the red brick pillars, should be removed. Thus he considers that the requirements of the Notice to remove the entrance canopy, supporting concrete columns and red brick boundary wall are both excessive and unreasonable.
19. I have not been party to any discussions that took place between the appellant and the Council prior to the serving of the Notice, albeit I have had sight of a letter from the Council to the appellant dated 8 August 2018 advising that in order to address the Council's reasons for refusal<sup>2</sup>, the red brick pillars should be removed, the orange roof tiles of the canopy replaced and that the red brick walls should be rendered and painted cream. However, the Council's decision notice in respect of application Ref P18/366/FUL and its subsequent Enforcement Notice clearly take issue with the design and scale of the development. The Council's appeal statement also makes reference to the unacceptable impact arising from the projection and design of the canopy. That is, the Council's concerns do not relate solely to external finishes, despite the opinions expressed in its correspondence. As I have found that the development has an adverse effect on the character and appearance of the area, allowing the pillars and entrance canopy to remain would not overcome the harm I have identified.
20. Turning to the brick wall enclosing the front property boundary. The Council has confirmed in written submissions that, in the event that the 1.8 metre high pillars were to be removed, the part of the wall that would remain would constitute permitted development under Class A of Part 2 to Schedule 2 of The Town and Country Planning (General Permitted Development) Order 1995 ("the GPDO")<sup>3</sup>.
21. I recognise that, if any of the limitations of permitted development rights are exceeded, as is the situation in this case, then the whole development is unlawful, not just that element in excess of the permitted development rights. Nevertheless, the existence of permitted development rights may represent a fall-back position which is an important material consideration, particularly in appeals such as those submitted under Section 174(2)(f), where there is a reasonable likelihood that the permitted development rights would be implemented should the Notice be upheld.
22. Within this context, I consider there to be a real possibility that the fall back position would be implemented. As such, I see no purpose in requiring the demolition of the wall in its entirety, only for the brick pillars to be removed. In arriving at this view, I bear in mind that the enforcement process should be remedial rather than punitive.
23. Consequently, and in this regard, I consider the requirements of the Notice to go beyond remedying the breach and, therefore, to be excessive. To rectify this, it is necessary for the requirements of the Notice to include the option of reducing the height of the pillars to reflect the deemed planning permission that is granted by the GPDO.
24. Notwithstanding the above, the appellant has suggested the retention of the canopy, supporting columns and the red brick pillars to the front boundary wall. However, this would not represent a realistic or suitable lesser step that would address the

<sup>2</sup> Planning application Ref P18/366/FUL for the '*Retention of boundary wall 1.8m in height (wall pillars) and entrance canopy to front elevation*' was refused on 25 July 2018 on the grounds that the development by reason of its scale, design and materials represents an incongruous development that is out of keeping with the character and appearance of the existing dwelling, having an unacceptable detrimental impact on the visual amenities of the street scene and wider area.

<sup>3</sup> Class A of Part 2 to Schedule 2 of the GPDO permits the erection, construction, maintenance, improvement or alteration of a gate, fence, wall or other means of enclosure where the height of that means of enclosure erected or constructed adjacent to a highway used by vehicular traffic would not exceed one metre above ground level.



fundamental concerns in respect of the development that has been carried out. In my view, the requirements are entirely appropriate to achieve the objective of protecting the character and appearance of the area.

25. Thus, with the exception of the requirement to remove the front boundary wall in its entirety, the requirements of the Notice are not excessive and there are no lesser steps put forward by the appellant that would remedy the breach of planning control or the injury to amenity that has been caused by the breach. The appeal on ground (f) therefore succeeds to a limited extent, but otherwise fails.

### **The appeal on ground (g)**

26. An appeal on ground (g) is that the time given to comply with the notice is too short. The period for compliance is 2 months from the date the Notice takes effect.
27. The appellant argues that a substantial amount of work would need to be carefully planned and undertaken by a contractor, and that 6 months would be a more appropriate timescale.
28. The Council considers that the 2 month time period specified in the Notice is sufficient to undertake the works required as the works can be commenced immediately and do not have to be undertaken by a specialist building contractor.
29. I have balanced competing private and public interests; the private property interest of the appellant and the public interest of bringing to an end the identified harm to the character and appearance of the area without unnecessary delay. I consider that a 6 month period would be reasonable in order to enable the appellant to secure a contractor and carry out the necessary work.

### **Conclusions**

30. For the reasons given above, the appeal on ground (f) is allowed to a limited extent and the ground (g) succeeds, and I am therefore varying the Notice accordingly. Otherwise, the appeal fails in respect of grounds (a) and (e), the Notice is upheld and planning permission is refused for the application deemed to have been made.
31. I have considered the duty to improve the economic, social, environmental and cultural well-being of Wales, in accordance with the sustainable development principle, under section 3 of the Well-Being of Future Generations (Wales) Act 2015 ("the WBFG Act"). In reaching this decision, I have taken into account the ways of working set out at section 5 of the WBFG Act and I consider that this decision is in accordance with the sustainable development principle through its contribution towards one or more of the Welsh Ministers well-being objectives set out as required by section 8 of the WBFG Act.

*Melissa Hall*

Inspector

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**Penderfyniad ar yr Apêl**

Ymweliad â safle a wnaed ar 25/03/19

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

Arolygydd a benodir gan Weinidogion Cymru

Dyddiad: 29.04.2019

**Appeal Decision**

Site visit made on 25/03/19

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

an Inspector appointed by the Welsh Ministers

Date: 29.04.2019

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**Appeal Ref: APP/F6915/D/19/3220063**

**Site address: 28 Cemetery Road, Maesteg, Mid-Glamorgan, CF34 0LW**

**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 Lee Norman against the decision of Bridgend County Borough Council.
  - The application Ref: P/18/699/FUL, dated 18 August 2018, was refused by notice dated 6 November 2019.
  - The development proposed is the erection of a feather edge wooden fence at the front and side of the property.
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**Decision**

1. The appeal is dismissed.

**Main Issue**

2. This is the effect of the development on the character and appearance of the area.

**Reasons**

3. The appeal relates to a recently refurbished residential property located along Cemetery Road in Maesteg. The property is set back relative to the adjacent properties located to the north and south, with the front amenity space utilised for off-street car parking. The appeal proposal seeks 'retrospective planning permission', under Section 73A(2)(a) of the Act, for the retention of the feather edge wooden fencing that extends from the building line of the appeal property along the shared boundaries with the aforementioned neighbouring properties to the point where the shared boundaries abut the public highway.
  4. It was clear at the time of my site inspection that, by reason of the scale, form and overall design of the fencing, particularly the way in which it projects beyond the front elevation of the adjacent properties and up to the public highway, the development represents a discordant and visually intrusive feature that causes material harm to the street scene. This is particularly evident when the street is viewed upon its length. I recognise the fact that the area incorporates a variety of boundary treatments. I also note the appellant's contention that the fence is necessary for safety reasons. Nevertheless, I do not consider the other enclosures within the area to justify the aforementioned harm, not least because they are generally of a staggered and more appropriate height that helps to retain a sense of openness along Cemetery Road.
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Furthermore, I have not seen anything to indicate that the appellant's safety concerns could not be mitigated through a visually less harmful means of design.

5. I therefore find that the development causes material harm to the character and appearance of the area and that it runs counter to the general aims of Policy SP2 of the adopted Bridgend Local Development Plan 2006- 2021 (Adopted 2013) (LDP). For the same reasons, it is also contrary to the general thrust of the advice contained within the Council's adopted Supplementary Planning Guidance (SPG) Note 2: *Householder Development*. For these reasons, and having considered all matters raised, I conclude that the appeal should be dismissed.
6. In coming to this conclusion, I have considered the duty to improve the economic, social, environmental and cultural well-being of Wales, in accordance with the sustainable development principle, under section 3 of the Well-Being of Future Generations (Wales) Act 2015 (WBFG Act). I have taken into account the ways of working set out at section 5 of the WBFG Act and consider that this decision is in accordance with the sustainable development principle through its contribution towards one or more of the Welsh Ministers well-being objectives, as required by section 8 of the WBFG Act.

*Richard E. Jenkins*

INSPECTOR

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## Penderfyniad ar yr Apêl

Ymweliad â safle a wnaed ar 13/2/19

gan Declan K Beggan BSc (Hons) MSc  
DipTP DipMan MRTPI

Arolygydd a benodir gan Weinidogion Cymru

Dyddiad: 26/03/2019

## Appeal Decision

Site Visit Made on 13/2/19

by Declan K Beggan BSc (Hons) MSc  
DipTP DipMan MRTPI

an Inspector appointed by the Welsh Ministers

Date: 26/03/2019

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**Appeal Ref: APP/F6915/H/19/3221319**

**Site address: 4 Sunnyside, Bridgend, CF31 4AE**

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

- The appeal is made under Regulation 15 of the Town and Country Planning (Control of Advertisements) Regulations 1992 against a refusal to grant express consent.
  - The appeal is made by Mr Ken Jackson of Jackson Cabs against the decision of Bridgend County Borough Council.
  - The application Ref A/18/25/ADV, dated 25 October 2018, was refused by notice dated 10 December 2018.
  - The advertisement proposed is described as "Advertising board for Jackson Cabs".
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### Decision

1. The appeal is dismissed.

### Main Issues

2. The effect of the advertisement on the character and appearance of the area and its effect on highway safety.

### Reasons

3. The proposed sign would be located on the gable elevation of a residential property that forms part of a terrace of dwellings located near to but outside the commercial centre of Bridgend. Views of the proposed sign would be principally from a northerly direction towards the junction of the A473 and Park Street, beyond which the appeal site lies. The general character of the area in which the proposed sign would be located appears domesticated and residential in nature, with the overall impression being that of quiet visual restraint, notwithstanding the appeal site's proximity to the town centre and the commercial properties to the immediate north which exhibit a mix of associated signage. The separate character associated with the immediate environs of the appeal site to that of the more commercially active areas nearby is reinforced by the presence of the adjacent A473 and Park Street.
  4. I consider the proposed advertisement due to its significant size and siting high up on a gable elevation to a residential property would make it a prominent visually cluttering feature in an area that is otherwise devoid of such features particularly when viewed from a northerly direction, notwithstanding the presence of other
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signage within the wider commercial areas. As such the proposed sign would materially detract from the character and appearance of the area.

5. In support of his position the appellant has submitted several photographs showing other advertisements in the wider locality, however it is unclear from the information before me whether they benefit from consent, however more importantly these other signs in the main are located in areas that are broadly commercial in nature and therefore not directly comparable. In any event their presence does not persuade me to allow an advertisement that I have found to be harmful to the visual amenity of the area.
6. The non-illuminated sign would not obscure any traffic signals given its location relative to the adjacent junction or for that matter any other junction. Notwithstanding the highway objections referred to in the Council's second reason for refusal, I do not consider the sign would result in any significant distraction to drivers or pedestrians at the junction who are taking reasonable care of their own and others safety. In arriving at this conclusion, I am also conscious that there is no evidence to indicate that existing signage in the immediate area has been a material factor resulting in detriment to highway safety.
7. The Council's refusal reason refers to policy SP2 of the adopted Bridgend Local Development Plan (LDP). The policy whilst not decisive in itself, nonetheless is a material consideration. I have taken the view that the proposed sign would be detrimental to visual amenity as it does not respect and enhance local character due its inappropriate size, siting and prominence within the street scene; in this respect the proposed sign would in broad terms run contrary to the aims of policy SP2 of the LDP.

#### *Other Matters*

8. I note the appellant refers to the commercial needs of the business that the proposed advertisement seeks to promote, however those commercial needs in this instance do not outweigh the significant harm identified to the visual amenity of the area.
9. I note the Council draw attention to the fact that the proposed advertisement is near to two conservation areas, however apart from highlighting this fact they say little in terms of its impact upon those conservation areas. The Act<sup>1</sup> requires that I have special regard to the statutory duty to pay special attention to the desirability of preserving or enhancing the character or appearance of a conservation area. In this respect, I am satisfied that, bearing in mind the proposed signage would principally be seen in the context of views looking outside and away from those adjacent conservation areas, that any impact would be neutral, and consequently would preserve those local heritage interests.

#### **Conclusion**

10. For the reasons above, I consider that the advertisement is materially detrimental to interests of amenity, and having taken account of all other matters raised, I conclude the appeal should be dismissed.

*Declan K Beggan*  
INSPECTOR

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<sup>1</sup> The Planning (Listed Buildings and Conservation Areas) Act 1990