

## **APPEALS**

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

<b>CODE NO.</b>	C/19/3229249 (1862)
<b>APPLICATION NO.</b>	ENF/282/18/ACK
<b>APPELLANT</b>	MR W M MORRIS
<b>SUBJECT OF APPEAL</b>	UNAUTHORISED WORKS TO CREATE CAR PARKING AREA MOUNT PLEASANT FARM, FARM ROAD, CEFN CRIBWR
<b>PROCEDURE</b>	WRITTEN REPRESENTATIONS
<b>DECISION LEVEL</b>	ENFORCEMENT

---

<b>CODE NO.</b>	A/19/3229220 (1863)
<b>APPLICATION NO.</b>	P/19/3229220
<b>APPELLANT</b>	MR W M MORRIS
<b>SUBJECT OF APPEAL</b>	RETENTION OF CAR PARK (PERMEABLE SURFACE) TO SERVE FARM SHOP ENTERPRISE MOUNT PLEASANT FARM, FARM ROAD, CEFN CRIBWR
<b>PROCEDURE</b>	WRITTEN REPRESENTATIONS
<b>DECISION LEVEL</b>	DELEGATED OFFICER

The application was refused for the following reasons:

1. 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 policies 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).
  2. Insufficient information has been submitted with the planning application to assess the potential impact of the development on parking and highway safety in and around the application site, contrary to the requirements of the Bridgend Local Development Plan (2013) and advice contained within Planning Policy Wales (Edition 10, 2018).
- 

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

<b>CODE NO.</b>	C/19/3220905 (1850)
<b>ENFORCEMENT NO.</b>	ENF/79/18/ACK
<b>APPELLANT</b>	MRS ELIZABTH THORNE

**SUBJECT OF APPEAL** UNAUTHORISED CHANGE OF USE OF LAND TO DOMESTIC GARDEN AREA  
1 BLACKFIELD ROW, CEFN CRIBWR

**PROCEDURE** WRITTEN REPRESENTATIONS

**DECISION LEVEL** ENFORCEMENT NOTICE

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

A copy of the two appeal decisions is attached as **APPENDIX A**

---

**CODE NO.** A/19/3220903 (1851)  
**APPLICATION NO.** P/18/860/FUL

**APPELLANT** MRS ELIZABTH THORNE

**SUBJECT OF APPEAL** INCLUSION OF LAND TO NORTH OF EXISTING PROPERTY INTO DOMESTIC CURTILAGE  
1 BLACKFIELD ROW CEFN CRIBWR

**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

A copy of the two appeal decisions is attached as **APPENDIX A**

---

**CODE NO.** A/19/3221703 (1853)  
**APPLICATION NO.** P/17/1027/OUT

**APPELLANT** MR ALAN HEARNE

**SUBJECT OF APPEAL** OUTLINE APPLICATION FOR 3 DWELLINGS  
LAND OFF CONVIL ROAD, BLAENGARW

**PROCEDURE** HOUSEHOLDER

**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**

---

**CODE NO.** A/19/3221795 (1854)  
**APPLICATION NO.** P/18/890/FUL

**APPELLANT** MS REBECCA PORTER

**SUBJECT OF APPEAL** CONVERSION OF EXISTING DISUSED BAKERY TO ONE  
BEDROOM DWELLING  
FORMER BAKERY, REAR OF 77 NOLTON STREET, BRIDGEND

**DECISION LEVEL** WRITTEN REPRESENTATIONS

**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**

---

**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)

## Appendix A



# The Planning Inspectorate Yr Arolygiaeth Gynllunio

---

## Penderfyniad ar yr Apêl

Ymweliad â safle a wnaed ar 03/04/19

gan **A L McCooey BA MSc MRTPI**

Arolygydd a benodir gan Weinidogion Cymru

Dyddiad: 15.05.2019

## Appeal Decision

Site visit made on 03/04/19

by **A L McCooey BA MSc MRTPI**

an Inspector appointed by the Welsh Ministers

Date: 15.05.2019

---

**Appeal Ref: APP/F6915/C/19/3220905**

**Site address: 1 Blackfield Row, Cefn Cribwr, Bridgend, CF32 0HB**

**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 Mrs Elizabeth Thorne against an enforcement notice issued by Bridgend County Borough Council.
  - The enforcement notice, numbered ENF/79/18/ACK, was issued on 2 January 2019.
  - The breach of planning control as alleged in the notice is without planning permission, the change of use of agricultural land to a domestic use.
  - The requirements of the notice are:
    - i. Cease the use of the land for residential purposes;
    - ii. Remove all the domestic items and paraphernalia from the land including but not limited to the decking, children's play equipment and climbing frame;
    - iii. Erect a 1m high timber post and rail fence along the line marked in green on the attached plan.
  - The period for compliance with the requirements is two months after the notice takes effect.
  - The appeal is proceeding on the grounds set out in section 174(2) (a) of the Town and Country Planning Act 1990 as amended.
- 

**Appeal Ref: APP/F6915/A/19/3220903**

**Site address: 1 Blackfield Row, Cefn Cribwr, Bridgend, CF32 0HB**

**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 Elizabeth Thorne against the decision of Bridgend County Borough Council.
  - The application Ref P/18/860/FUL, dated 22 October 2018, was refused by notice dated 20 December 2018.
  - The development proposed is inclusion of land to the north of the existing property into domestic curtilage.
-

## Decisions

### Appeal Ref: APP/F6915/A/19/3220903

1. The appeal is allowed and planning permission is granted for the change of use of the land to the north of the existing property for purposes incidental to use as a dwelling at 1 Blackfield Row, Cefn Cribwr, Bridgend, CF32 0HB in accordance with the terms of the application, Ref P/18/860/FUL, dated 22 October 2018, and the plans submitted with it, subject to the following condition:
  - 1) Notwithstanding the provisions of Schedule 2, Part 1, Classes E and F of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no buildings shall be erected, or hard surfaces provided, on the land the subject of this planning permission.

The reason for this condition is to maintain control over future development so as to ensure that the use of the land does not have a detrimental effect on the character and appearance of the countryside.

### Appeal Ref: APP/F6915/C/19/3220905

2. It is directed that the enforcement notice (EN) be corrected: by the deletion of the words "change of use of agricultural land to a domestic use" in paragraph 3 and the substitution of the words "change of use of agricultural land to use for residential purposes" in paragraph 3. Subject to these corrections the appeal is allowed and the enforcement notice is quashed. Planning permission is granted on the application deemed to have been made under section 177(5) of the 1990 Act as amended, for the development already carried out, namely the change of use of agricultural land to use for residential purposes on the land as shown on the plan attached to the notice subject to the condition set out above (for appeal ref. APP/F6915/A/19/3220903).

## Procedural Matters

3. The appeals relate to the same matter and arise because a breach of planning control was investigated by the Local Planning Authority, who invited the submission of a planning application. When that application was refused the Council issued the EN to remedy the breach. The description of the proposed<sup>1</sup> development in the planning application is incorrect in referring to the inclusion of the land into the domestic curtilage. Domestic curtilage defines an area of land in relation to a building and not a use of land. The description should be the change of use of land for purposes incidental to use as a dwelling. The breach of planning control refers to change of use to a domestic use again this is inaccurate description of a use. It should refer to the use of the land for residential purposes as used in the first requirement of the EN. I shall make these corrections to the description of the development in the planning appeal and the breach in the EN. I am satisfied that these corrections are necessary and that no prejudice is caused to any party as a result.
4. As the only ground of appeal on the EN is ground (a), I shall deal with both appeals together using the format of an appeal against the refusal of planning permission.

---

<sup>1</sup> The word proposed is used here in abstract terms as the use has commenced.

## Main Issue

5. The main issue in these appeals is the effect of the change of use on the character and appearance of the countryside.

## Reasons

6. No. 1 is the end property of a terrace of three dwellings in the countryside. The B4281 at Tycribwr Hill is to the east then reaches a bend before the site and continues as Farm Road to Cefn Cribwr to the west. There are several dwellings and a shed retail premises with outdoor display areas along the road nearby. The existing property has a small front and rear garden and a larger side portion running as far as a large garage to the west. There is a garden of another property and an outbuilding between this side garden and the road. The appeal site is around 0.07 ha. of lawn to the north (rear) of the side garden. The southern and western boundaries comprise existing mature hedges and the northern is a post and wire fence. The northern boundary aligns with those of nos. 2 and 3.
7. The policy context is provided by the Bridgend Local Development Plan. The Council refers to strategic policies defining settlements and requiring good design and compliance with national policy. The site is outside any settlement as defined in Policy PLA1 and the key policy is therefore Policy ENV1 which states that development in the countryside will be strictly controlled. The appeal development is not of a type listed in the Policy as being acceptable. The explanatory text refers to the need to protect the countryside for its own sake e.g. for its beauty and landscape quality. The policy is the starting point for the assessment of new development in the countryside and will not be set aside lightly, in the interests of maintaining the countryside. Both Policy ENV1 and national policy<sup>2</sup> state that new building in the countryside must continue to be strictly controlled. All new development must be of a scale and design that respects the character of the surrounding area.
8. The appellant sets out the background to the case in terms of the inadequacy of the existing garden areas to provide a safe play area for the family. The existing side garden is narrow and occupied by buildings, an oil tank and a cesspit. The site contains an area of decking, a trampoline and other play equipment. A boat is being stored towards the western end. Reference is made to the highway safety issues in preventing the use of the front entrance onto a busy fast road. The appellant argues that the use of this land would allow for safe play and access contributing to the aims of the Well-being of Future Generations Act and sustainability. There is evidence that the land was purchased around 10 years ago (by the previous owners) to compensate no. 1 for the loss of the garden area along the road, which was given to no. 2.
9. I consider that the case hinges on the effect on the character of the countryside in this area. The character of the area is not exclusively agricultural there are dwellings along the road and some commercial development<sup>3</sup>. I note that no. 3 has an extensive defined area to the side. The Council has investigated the use of this land and outbuildings and concluded that some of it is in agricultural use. Notwithstanding this, it appears as a developed area with outbuildings and some gardens in views from the road and on the aerial photos supplied by the appellant. The dwellings across the road from Blackfield Row have extensive gardens.

---

<sup>2</sup> Paragraph 3.56 of Planning Policy Wales Edition 10.

<sup>3</sup> The Shed Centre – which the Council describes as a farm shop

10. Views from the road in front and either side of the site are extremely limited given the location of the site. The views from Tycribwr Hill are also limited, especially from a car, by the hedges along that road and the intervening development. Tycribwr Hill is unlikely to be regularly used by pedestrians because of the traffic volume and speeds on the road and absence of footways. The Council referred to views from the north across the steep valley. I was directed to views from a road running east-west, which is at least 1km away. At this distance, it is difficult to discern the site in any detail. The land appears to sit in with the existing built form and gardens to the south in these views.
11. The site sits well into the existing garden areas with buildings, gardens and access/parking to the south. The size of the land is defined by the existing layout. As noted above there is a common northern boundary with no. 2 and no. 3 that extends in a straight line from the site to Tycribwr Hill. The site has logical boundaries and is not therefore excessive in this context. The domestic paraphernalia on the site cannot be readily viewed from public views or from the adjoining properties given the location to the rear of buildings, the levels of screening and distance of the viewpoints. The Local Planning Authority's concern about the proliferation of such play equipment, etc. is not therefore a significant issue in this case. The circumstances of this site are such that I discern little harm to the character and appearance of this part of the countryside.
12. This case is determined on its own merits and the specific circumstances of this site. It does not or cannot set a wide-ranging precedent that would fetter the Local Planning Authority in dealing with other developments in the area which would be determined on their own merits and context. I therefore make no further comment on the cases referred to by the appellant. I have noted the objections made to the planning application. The Council concluded that the other matters raised were not material planning considerations and I agree with this assessment and the reasons given.
13. A condition restricting permitted development rights for buildings or hard surfaces would ensure that the open character of the land would be maintained if planning permission were granted. I note that the Local Planning Authority was opposed to the appellant's offer of planting to the northern boundary and did not suggest any such condition would be required.

### **Conclusion**

14. I conclude that the development would not offend the requirements of Policy ENV1 or other local and national policies because of its very limited effect on the character and appearance of this part of the countryside. The development cannot readily be seen from the surrounding area due to the factors I have identified above. It would not therefore cause material harm to the open nature of the countryside. The specific circumstances of this site mean that no detrimental precedent would be set by approval of the development.

15. In reaching my decision, I have considered the requirements of sections 3 and 5 of the Well Being of Future Generations (Wales) Act 2015. 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. For the reasons given above I conclude that the appeals should succeed, planning permission should be granted and the EN quashed.

*A L McCooey*

**Inspector**



## Appendix B



The Planning Inspectorate  
Yr Arolygiaeth Gynllunio

---

### Penderfyniad ar yr Apêl

Ymweliad â safle a wnaed ar 03/04/19

gan **A L McCooey BA MSc MRTPI**

Arolygydd a benodir gan Weinidogion Cymru

Dyddiad: 15.05.2019

### Appeal Decision

Site visit made on 03/04/19

by **A L McCooey BA MSc MRTPI**

an Inspector appointed by the Welsh Ministers

Date: 15.05.2019

---

**Appeal Ref: APP/F6915/A/19/3221703**

**Site address: Land off Convil Road, Blaengarw, Bridgend, CF32 8BN**

**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 Mr Alan Hearne against the decision of Bridgend County Borough Council.
  - The application Ref P/17/1027/OUT, dated 30 November 2017, was refused by notice dated 20 September 2018.
  - The development proposed is for 3 dwellings.
- 

### Decision

1. The appeal is dismissed.

### Reasons

2. The appeal site is located to the east of the village of Blaengarw and the A4064 Nanthir Road. The approach is via terraced residential streets, Convil Road (which is steeply sloping) and James Road. The site is accessed from a lane to the rear that emerges at the intersection of Convil Road with James Road. The lane is single width with a gradient of approximately 1:10. It is also a Public Right of Way (Footpath 74 Garw Valley). The site slopes steeply to the front with a level area to the rear. It contains stables and outbuildings accessed from the lane.
  3. Outline planning permission for 3 dwellings on the site was granted in 2013 and renewed in 2016. The Local Planning Authority therefore considers that the development would be acceptable in principle. The application is in outline and seeks approval in principle and for the means of access. Illustrative drawings showing the site layout and indicative house types have been provided.
  4. The sole issue relates to the impact of a different proposed access point on traffic generation and highway safety during construction. The Council claims that the provision of access at a lower level within the site (moving access from the south to the west of the site) would require significant increased excavation and hence at least 240 heavy goods vehicle movements, which would be double those required were the access to be in the previously approved position.
-

5. The Council has supplied detailed estimates of the required excavations in its case. These calculations are based on the sections and plans provided with the application. The appellant's suggestions regarding the provision of retaining walls and changes to the house type were considered at the application stage. It was concluded that none of these measures would significantly reduce the additional excavation that would be required. It is stated that the access as currently proposed would follow the natural contours of the site, but the Council confirm that this route would require additional excavations. The Council disputes that any revised access arrangements had been agreed in discussions with the appellant and it confirmed that no revised house type details were submitted.
6. The constraints are such that lorries would be unable to enter and leave the site in a forward gear. Large construction vehicles would have to reverse into or out of the site at the intersection of Convil Road with James Road. Undertaking such manoeuvres in large vehicles gives rise to potential for pedestrian and vehicular conflicts to the detriment of highway safety. This would be exacerbated by any on-street parking in the vicinity of the junction. Both routes to the site are along streets where on-street parking regularly occurs due to the terraced nature of the properties. There may therefore be a need to reverse large vehicles in a confined situation to the detriment of highway safety. The gradients of both Convil Road and Pretoria Street would add difficulty to any reversing which may be required by any vehicle wishing to give way.
7. I find on the evidence submitted in this case that the revised access point would generate significant additional heavy traffic from the site. These additional traffic movements would be in addition to the normal traffic movements associated with the construction of the dwellings. This additional traffic would be detrimental to the living conditions of residents. The additional reversing manoeuvres outlined above would be detrimental to highway and pedestrian safety. These aspects would be contrary to the relevant criteria in Policy SP2 of the Local Development Plan<sup>1</sup> (and guidance in Planning Policy Wales). I have noted the other issues raised in the objections submitted at the application stage. I agree with the Council's conclusion that these issues would not have justified the refusal of this application for the stated reasons.

### **Conclusion**

8. 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.
9. The Council's evidence of the effects of the additional traffic as a result of the revised access was not convincingly refuted by the appellant. I conclude that the reason for refusing planning permission are well-founded. For the reasons given above and taking all relevant matters into account, I conclude that the appeal should be dismissed.

*A L McCooey*

**Inspector**

---

<sup>1</sup> Bridgend Local Development Plan 2006-2021

## Scanning the PVS

1. Make sure the PVS@S are all face down before scanning them.
2. Click on Check Postal Votes.
3. Expand step 1.
4. Pick up a Batch Sheet and click on that number on the batch header screen.
5. Click on scan button (bottom left of screen).
6. Click on scan (Green top right).
7. The PVs sheets will start scanning.

When the sheets have scanned

Click on Red Box (top Left)

Click Save

Drop arrow ready for auto check

Click Autocheck

Start the next batch.

## Appendix C



The Planning Inspectorate  
Yr Arolygiaeth Gynllunio

---

### Penderfyniad ar yr Apêl

Ymweliad â safle a wnaed ar 03/04/19

gan **A L McCooey BA MSc MRTPI**

Arolygydd a benodir gan Weinidogion Cymru

Dyddiad: 15.05.2019

### Appeal Decision

Site visit made on 03/04/19

by **A L McCooey BA MSc MRTPI**

an Inspector appointed by the Welsh Ministers

Date: 15.05.2019

---

**Appeal Ref: APP/F6915/A/19/3221795**

**Site address: rear of 77 Nolton Street, Bridgend, CF31 3AE**

**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 Ms Rebecca Porter against the decision of Bridgend County Borough Council.
  - The application Ref P/18/890/FUL, dated 5 November 2018, was refused by notice dated 11 January 2019.
  - The development proposed is the conversion of an existing disused bakery to a one-bedroom dwelling.
- 

### Decision

1. The appeal is dismissed.

### Main Issues

2. The main issues are:
  - whether the proposal would represent an acceptable form of residential development;
  - whether the access and parking arrangements would be acceptable and;
  - whether the living conditions of residents would be acceptable.

### Reasons

3. The building is located within Bridgend town centre to the rear of commercial properties. It is accessed from a rear lane, which serves as an access to parking facilities to the rear of the commercial properties (and dwellings above them) and the residential properties in Cheltenham Terrace to the east side of the lane. The two-storey building abuts the lane and has attached buildings to the south. The land to the immediate north of the building is a well-used parking area for commercial properties on Nolton Street. To the immediate west there is a small area of land between the building and no. 77 Nolton Street.
  4. Policy SP2 of the Bridgend Local Development Plan (LDP) requires developments (amongst other things) to contribute to placemaking, have good transport connections and safeguard the amenities of residents.
-

5. Planning Policy Wales<sup>1</sup> emphasises the efficient use of natural resources including land. Paragraph 3.39 acknowledges that planning authorities must prioritise the use of suitable and sustainable previously developed land and/or under-utilised sites. It is recognised, however, that not all previously developed land is suitable for all types of development. The concept of placemaking requires a design-led approach that takes proper account of local context in design in order to ensure that a proposal responds appropriately to its surroundings.
6. The character of the immediate area is defined by rear access to properties and associated parking. The buildings along the lane are mostly garages. The former bakery is a two-storey building. Whilst it is larger, it has no particular architectural merit and fits generally in to the character of the rear lane. In terms of layout and function, the rear lane is clearly distinct to the primary street frontages, and in my judgement, the introduction of an independent dwelling unit with the primary access and frontage onto the lane fails to respect the established housing pattern. Moreover, it fails to have regard to general design principles relating to good quality residential environments insofar as it introduces a dwelling in a poorly lit narrow lane with little natural surveillance or outlook for future residents. The proposed conversion to a separate dwelling would result in a poor form of backland development contrary to the principles of good design and placemaking. This is clearly distinguishable from the situation of the dwellings in the older terraced streets in the town centre referred to by the appellant.
7. It is intended that the occupants would travel primarily by walking. The pedestrian access to the building is via the rear lane. The appeal site is some distance down the lane with one streetlight that is located on the east side of the building itself. The rear lane is narrow with a poor surface and no segregated footways. It is well-used for parking and access to garages. The passing places had parked cars in some of them during my site visit. The wider areas are used for parking and pedestrian safety would be compromised by reversing and manoeuvring vehicles. Residents would have to use the lane and then would have to walk across the parking area to the rear of 73 to 75, as the proposed door would be on the western side facing no. 77. The proposal would also lead to some increased traffic on the lane from service /delivery and visitor traffic, as well as potentially from the occupiers themselves. Traffic using the lane would unacceptably increase the risk of conflict between vehicles and pedestrians. Residents would also have to take refuse and recyclable waste down to the end of the lane, adding to its pedestrian traffic. Or indeed this could deter residents from recycling their waste. The access arrangements would be unsatisfactory for all these reasons.
8. The outlook from the windows on the western elevation would be on to the proposed amenity space, which would be perfectly acceptable. However, the main living room and only bedroom window in the north elevation would be immediately adjacent to a well-used car parking area. I consider that this would be a poor outlook for residents and would be symptomatic of the poor form of backland development referred to above.
9. The site is in a very sustainable town centre location near public transport links and a wide range of local amenities. The proposal does not include any parking provision. Although not referred to in the reason for refusal, this was raised as a concern by the Local Planning Authority. It was also claimed that the dressing room on the plans could be used as a bedroom and that this would increase the parking requirement.

---

<sup>1</sup> Edition 10 December 2018

10. Planning Policy Wales advises that parking provision should be informed by the local context, including public transport accessibility, urban design principles and the objective of reducing reliance on the private car and supporting a modal shift to walking. As pointed out above the context of the appeal site is ideally located to support travel by means other than the private car. The evidence was that the Local Planning Authority routinely allows reduced car parking for other town centre developments. These considerations were sufficient to lead the Council to conclude that no parking provisions were necessary for the development at no. 77. In all these circumstances, I conclude that the lack of car parking provision would not be a reason to refuse planning permission.
11. The Council had questioned whether there would be any garden area or amenity space associated with the proposal. The land to the west having been included in the planning application for a change of use of no. 77 to a café and 6-bedroom unit. It has been confirmed that some of the land is in the appellant's ownership<sup>2</sup>. I note from my site visit that a fence has been erected on the boundary between the site and no. 77 which defines the available amenity space. I consider this amenity space to be adequate.
12. The proposed bedroom windows in the rear elevation of no. 77 are below ground level and the erection of the fence some metres away will have little effect on their outlook or natural light. The plans for the development at no. 77 show a first-floor shared kitchen window facing the amenity space. This minor degree of overlooking would not be unusual in a town centre location and would not be sufficient grounds to warrant the refusal of planning permission.

### **Conclusion**

13. In reaching my decision, I have taken into account the requirements of sections 3 and 5 of the Well Being of Future Generations (Wales) Act 2015. I consider that this decision 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.
14. The proposal fails to have regard to the context of the appeal site and would appear out of character with the surrounding development. As explained above, the proposal would result in a poor form of backland development contrary to the principles of good design and placemaking. The pedestrian access to the development would be unsatisfactory for the reasons given. The benefits of the proposal in terms of the re-use of previously development land or under-utilised sites are outweighed by the identified adverse effects. The proposal would therefore be contrary to LDP Policy SP2 and the provisions of national policy. Having taken all relevant matters into consideration, I conclude that the appeal should fail.

*A L M<sup>c</sup>Cooley*

**Inspector**

---

<sup>2</sup> The Local Planning Authority accepted that this was the case.