

REFERENCE: P/19/380/FUL

APPLICANT: Mr S Rudd c/o John Matthews, 47 Anglesey Way, Porthcawl, CF36 3QP

LOCATION: **The School House School Terrace North Cornelly CF33 4HU**

PROPOSAL: New front boundary wall 1m high with 1.35m high pillars and an entrance canopy to front elevation

RECEIVED: 31 May 2019

APPLICATION/SITE DESCRIPTION

The application seeks full planning permission for the alteration to the existing boundary wall, pillars and entrance canopy to the front elevation of the property known as The School House, School terrace, North Cornelly following a previous application (P/18/366/FUL refers) which was refused and dismissed on appeal. The respective Enforcement Notice was partially allowed on appeal.

This application has been submitted and proposes the following changes:

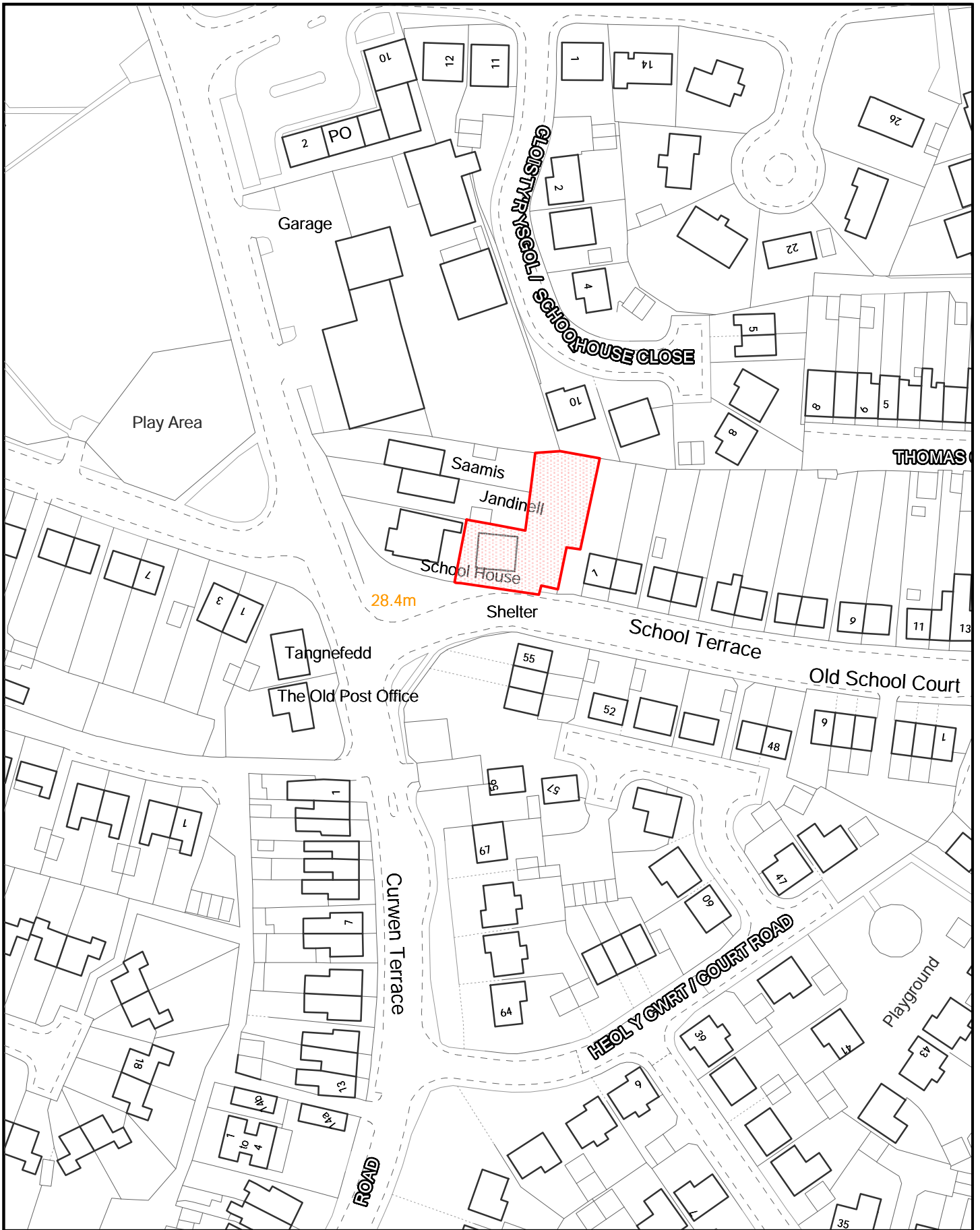
- Existing red brick wall to be 1m high with existing pillars to be reduced to 1.35m in height including coping stones;
- Existing portico ridge tiles to be painted to match slate roof colour; and
- Existing portico pillars to be painted to match house render colour.

Figure 1 - Photograph of existing works



The application site is located within the residential settlement boundary of North Cornelly as defined by Policy PLA1 of the LDP. The application site is a two storey, detached property which is situated on a prominent junction and is surrounded by similarly design residential dwellings.

The application proposes to retain the boundary wall and portico.



Jonathan Parsons
 Group Manager - Planning &
 Development Services

Bridgend County Borough Council,
 Civic Offices,
 Angel Street,
 Bridgend,
 CF31 4WB

P/19/380/FUL

The School House
 School Terrace
 North Cornelly

Scale: 1: 1,250
 Date: 23/07/19

©Crown Copyright and database right 2019. Ordnance Survey 100023405.
 ©Hawlfraint a hawliau cronfa ddataŷ Goron 2019 Rhif Trwydded yr Arolwg Ordnans 100023405.
 Aerial Imagery: Cities Revealed aerial photography copyright The GeoInformation Group 2011.
 Copyright GeoSwiring plc.
 Countryside Council for Wales, ©Crown Copyright and database right 2011.
 Ordnance Survey 100018813.
 Forestry Commission, ©Crown Copyright and database right 2011. Ordnance Survey 100025498.

RELEVANT HISTORY

P/18/366/FUL - Retention of boundary wall 1.8m in height (wall pillars) and entrance canopy to front elevation – Refused – 25/07/2018. Enforcement Notice served on 4 October 2018 and an appeal lodged with the Planning Inspectorate. Appeal allowed in respect of ground (g) and to a limited extent under ground (f) with the enforcement notice varied to extend the time period for compliance to 6 months and to allow the applicant to reduce the height of the wall and retain it under permitted development.

P/13/425/FUL - Two Storey Side Extension With Under Croft Parking At Ground Floor Level – Approved (with conditions) – 28/08/2013.

P/16/797/NMA - Non material amendment to P/13/425/FUL - make entrance in front of new extension, erect double gates, lower kerb and re tarmac to match the existing – Refused – 01/11/2016.

PUBLICITY

Neighbours have been notified of the receipt of the application.

The period allowed for response to consultations/publicity expired on 4 July 2019.

CONSULTATION RESPONSES

Head of Street Scene (Highways) – No objection subject to a condition which requires a scheme to be submitted which shows the pillar and any part of the boundary wall within the vision splays reduced in height to 0.9m.

REPRESENTATIONS RECEIVED

One letter of support for the development have been received from 10 Clos Ty'r Ysgol, North Cornelly.

Councillor. R. Granville – No objection to the application.

Councillor. J. H. Tildesley (Local Ward Member) – strongly supports the application and has requested that it be reported to the Council's Planning Committee on the following grounds:

- The development differs from that which was the subject of the recent rejected planning enforcement appeal to the extent that the differences go some way to meeting the requirements set out in your department's 8th August 2019 letter addressed to the applicant Mr Stephen Rudd; and;
- The Inspector's reasons for rejecting the planning department enforcement appeal were based entirely on her (and your department's) opinions and that the development's design has an unacceptable visual impact on the amenity and character of its surroundings. Whilst I have no doubt that these opinions are well intentioned, it must be recognised that such design impact are open to subjective opinions to the extent of the opinions of lay persons are no less valid than that of professional planners. On this basis, I cannot agree that the development in question causes any visual or amenity harm – indeed, it is my opinion that it makes a positive and enhancing contribution to the appearance of the locality which possesses to particular special character;
- I firmly believe that there can be exceptional circumstances when it is very important that the Development Control Committee should be able to take account of the subjective views of those more directly affected by the

development where the design impacts are confirmed to localised areas. I believe that this is such an exceptional circumstances case because I am aware that there is strong support for the planning application from neighbouring residents who feel that the development helps to upgrade the residential quality of the locality;

- a) I understand that the Cornelly Community Council supports the planning application;
- b) I understand that support for the planning application has also been separately registered by occupiers) of a neighbouring property; and
- c) I am aware that a petition supporting the planning application has been signed by neighbouring properties, a copy of which will shortly be submitted to your department.

PLANNING POLICIES

Local Policies

The Development Plan for the area comprises of the Bridgend Local Development Plan 2006-2021 (LDP), which was formally adopted by the Council in September 2013, and within which the following policies are of relevance:

- Strategic Policy SP2 – Design and Sustainable Place Making
- Policy PLA1 – Settlement Hierarchy and Urban Management

Supplementary Planning Guidance

SPG02 – Householder Development

National Planning Policy and Guidance

National planning guidance in the form of Planning Policy Wales (Edition 10, December 2018) (PPW) is of relevance to the determination of this application.

Technical Advice Notes:

The Welsh Government has provided additional guidance in the form of Technical Advice Notes. The following are of relevance:

Technical Advice Note 12 – Design (2016)

COMMENTS ON REPRESENTATIONS RECEIVED

The majority of the concerns raised by the Local Member have been addressed within the appraisal section of this report.

Whilst the comments of the Local Member are noted regarding the subjective opinions regarding design and the local support for the proposed development, the professional opinion of the case officer and a Planning Inspector which were made in line with national and local planning policies, are very relevant and hold significant weight in the determination of this application.

The Local Planning Authority considers that there are no exceptional circumstances which outweigh the concerns raised and the previous Inspector's decision regarding the development subject to this application.

No comments on this application have been received by the Local Planning Authority from Cornelly Community Council in respect of this application to date.

No neighbouring petition has been submitted to the Local Planning Authority in support of this application to date, with only one letter of support from 10 Clos Ty'r Ysgol, North Cornelly being received to date.

APPRAISAL

The application is referred to the Development Control Committee as requested by the Local Member.

The main issues to consider in this application are the impact of the development on the character and appearance of the existing dwelling and street scene as well as impact on neighbouring amenities and the previous Inspector's decision.

Background

The original application was the result of an enforcement investigation. It sought to retain the 1.8m high boundary wall and pillars finished in red brick at the front of the site and with a privet/box hedging to infill between the pillars. It also sought to retain the existing canopy measuring approximately 3.5m x 1.8m and to a height of 3.4m, finished with a slate roof to match the existing dwelling with terracotta detailed tiles and stone pillars. The canopy projects out from the main dwelling by approximately 2 metres towards the front wall. This application was refused on the 25 July 2018 and an Enforcement Notice was served on the 4 October 2018 to remove the development from the site. The applicant appealed the Enforcement Notice and this was later allowed but only under ground (g) and to a limited extent under ground (f) by varying the Enforcement Notice to extend the time period for compliance to 6 months and to allow the applicant to reduce the height of the wall and retain it under permitted development.

Impact on the character of the existing dwelling and street scene.

As stated above, the canopy, pillars and wall have already been erected to the front of the property. In view of the previous appeal decision, the applicant has proposed the following changes:

- Existing red brick wall to be 1m high with existing pillars to be reduced to 1.35m in height including coping stones;
- Existing portico ridge tiles to be painted to match slate roof colour; and
- Existing portico pillars to be painted to match house render colour.

The applicant states in the supporting statement that this application has been submitted based on the opinions, wishes and support of the local community.

From reviewing the Inspector's previous decision, she states in Paragraph 15 and 16:

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.

In addition to the above, it is considered that the proposed changes to the canopy, wall and pillars are still out of keeping and do not respect the character and appearance of the dwelling. The minimal cosmetic changes to the finishes of the canopy and columns and the limited reduction in the height of the wall and pillars, do not overcome the concerns about the scale, design and prominence of the features at the front of the building. Whilst it is noted that the neighbouring properties have erected similarly designed red brick wall to the front of their properties, the Inspector clearly addressed this matter in her decision in Paragraph 12 where she states:

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 an unacceptable form of development. Rather, it only serves to reinforce my concern regarding the adverse visual impact of the development before me.

With regard to the previous correspondence between the applicant and the Local Planning Authority regarding the proposed development, it is considered that the Inspector clearly addresses this matter in her decision. Paragraph 19 states:

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 refusal², 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.

The site is located on a prominent junction and is therefore highly visible from the main highway and the protrusion and design of the portico and its finished materials which is constructed up to the back edge of the boundary, are not considered to respect or enhance the street scene or wider area and therefore the development is considered to be contrary to Policy SP2 (2) and SP2 (3) of the LDP (2013).

Impact on neighbouring properties

Due to the location of the development to the front of the detached dwelling, the erection of the canopy, pillars and wall are not considered to have an adverse impact on the residential amenities of the neighbouring properties in terms of overlooking and overshadowing and in this respect the proposal accords with Policy SP2 (12) of the LDP (2013) and the Council's Supplementary Planning Guidance SPG02: Householder Development.

Highway Safety

The comments of the Transportation Officer made in respect of the previous application reference P/18/366/FUL have been re-applied to the submitted scheme as it is considered that the western most pillar of the wall restricts the vision spay to the east to

the detriment of highway and pedestrian safety. However, if the overall scheme is deemed acceptable, it is considered that this could be dealt with by way of a suitably worded planning condition to require a scheme to be submitted which shows the pillar and any part of the boundary wall within the vision splays reduced in height to 0.9m. Accordingly, it is considered that the proposed development could successfully accord with Policy SP2(6) of the LDP (2013) and the Council's Supplementary Planning Guidance SPG17: Parking Standards.

CONCLUSION

The application is recommended for refusal because the proposed changes to the development fail to comply with National, Council policy and guidelines and the previous appeal decision. The scale, siting and design of the development will have an unacceptable impact on the character and appearance of the existing property and a detrimental visual impact on the street scene and wider area.

RECOMMENDATION

(R30) That permission be REFUSED for the following reason(s):-

1. The proposal, by reason of its scale, siting and design represents an incongruous development that is out of keeping with the character and appearance of the existing dwelling, having an unreasonably detrimental impact on the visual amenities of the street scene and wider area contrary to Policy SP2 of the Bridgend Local Development Plan 2013, advice contained in Planning Policy Wales (Edition 10, December 2018) and Technical Advice Note - 12 - Design (2016).

JONATHAN PARSONS

GROUP MANAGER PLANNING & DEVELOPMENT SERVICES

Background papers

None