

## **APPEALS**

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

**CODE NO.** D/19/3236305 (1871)  
**APPLICATION NO.** P/19/398/FUL

**APPELLANT** MR L WILLIAMS

**SUBJECT OF APPEAL** PROPOSED FIRST FLOOR REAR EXTENSION  
15 VICTORIA ROAD, KENFIG HILL

**PROCEDURE** HOUSEHOLDER

**DECISION LEVEL** DELEGATED OFFICER

The application was refused for the following reason:

1. The proposed extension, by reason of its scale, elevated level and proximity to neighbouring properties, particularly number 14 Victoria Road to the west, would result in an overbearing form of development, having a detrimental impact on the residential amenities of the occupiers of the neighbouring properties, contrary to Notes 1 and 3 of Supplementary Planning Guidance Note 02 Householder Development, Policy SP2 of the Local Development Plan (2013) and guidance contained within Planning Policy Wales (Edition 10, December 2018).

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**CODE NO.** A/19/3237153 (1872)  
**APPLICATION NO.** P/19/281/FUL

**APPELLANT** MR P EVANS

**SUBJECT OF APPEAL** OUTLINE APPLICATION FOR UP TO 24 DWELLINGS AND  
ASSOCIATED WORKS  
LAND OFF TONDU ROAD, NORTH OF PASCOES AVENUE  
BRIDGEND

**PROCEDURE** WRITTEN REPS

**DECISION LEVEL** DELEGATED OFFICER

The application was refused for the following reasons:

1. The proposed dwellings, by reason of their scale and height, would result in the introduction of an excessive, incongruous and overly prominent form of development that will have a detrimental visual impact on the character and appearance of the area, out of keeping with the established form and contrary to the provisions of Policy SP2 of the Local Development Plan (2013) and advice contained within Planning Policy Wales (Edition 10, December 2018).
2. A satisfactory means of access and turning facilities cannot be provided to serve traffic generated by the proposed development to the detriment of highway safety along the adjoining Tondu Road contrary to the provisions of Policy SP2 of the Local Development Plan (2013) and advice contained within Planning Policy Wales (Edition 10, December 2018).

3. Insufficient details in respect of noise has been submitted to enable the implications of the proposed scheme to be properly evaluated by the Local Planning Authority, contrary to criteria (8) of Policy SP2 of the Local Development Plan (2013) and guidance contained within Planning Policy Wales (Edition 10, December 2018).
4. Insufficient details in respect of ecology and protected trees has been submitted to enable the implications of the proposed scheme to be properly evaluated by the Local Planning Authority, contrary to criterion (10) of Policy SP2 of the Local Development Plan (2013) and guidance contained within Planning Policy Wales (Edition 10, December 2018).
5. Insufficient details in respect of the means of surface water drainage have been submitted to enable the implications of the proposal to be properly evaluated by the Local Planning Authority, contrary to Policy SP2 of the Council's Local Development Plan (2013).

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<b>CODE NO.</b>	D/19/3237852 (1874)
<b>APPLICATION NO.</b>	P/19/391/FUL
<b>APPELLANT</b>	MR R HAYES
<b>SUBJECT OF APPEAL</b>	REMODELLING OF DWELLING INCLUDING RAISING THE HEIGHT, REAR AND SIDE EXTENSIONS 3 NOTTAGE MEAD, PORTHCAWL
<b>PROCEDURE</b>	WRITTEN REPS
<b>DECISION LEVEL</b>	COMMITTEE

The application was refused for the following reason:

1. The proposed rear extension by reason of its siting, scale and design would have an unreasonably dominant and overbearing impact on the neighbouring residential property, 5 Nottage Mead, to the detriment of the residential amenities enjoyed by the occupiers of that property. The proposal is therefore contrary to Policy SP2 of the Bridgend Local Development Plan (2013) and the advice contained within Supplementary Planning Guidance 02: Householder Development (2008) and Planning Policy Wales (Edition 10, December 2018).

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<b>CODE NO.</b>	A/19/3238160 (1875)
<b>APPLICATION NO.</b>	P/18/960/OUT
<b>APPELLANT</b>	HOMESTYLE DOM CARE
<b>SUBJECT OF APPEAL</b>	CONSTRUCTION OF THREE DETACHED DWELLINGS AND DETACHED GARAGES (RE-SUB OF P/18/381/OUT) BRIARY WOOD, BRIARY WAY, BRACKLA
<b>PROCEDURE</b>	WRITTEN REPS
<b>DECISION LEVEL</b>	DELEGATED OFFICER

The application was refused for the following reasons:

1. The proposed development would result in the unjustified loss of trees that are subject to Tree Preservation Order - Ogwr Borough Council (No.6) Order 1988 that would be to the detriment of the amenities of the area, contrary to Policies SP2, ENV6 of the Bridgend Local Development Plan 2013 and paragraphs 6.4.25 of Planning Policy Wales – Edition 10 – December 2018.
2. The proposed development would result in the unjustified loss of trees and woodland that form part of Tremains Wood Site of Importance for Nature Conservation (SINC) that would result in disruption to habitat connectivity, compromising the biodiversity value of this 'Green Infrastructure' and therefore contrary to Policies SP2, ENV4, ENV6 of the Bridgend Local Development Plan 2013 and paragraphs 6.4 of Planning Policy Wales – Edition 10 – December 2018.
3. Insufficient information has been provided in respect of the presence of otherwise of protected species on site and the extent that they may be affected by the proposed development. The proposal therefore does not properly address Policies SP2, ENV6 of the Bridgend Local Development Plan 2013 and paragraphs 6.4.3 to 6.4.6 of Planning Policy Wales – Edition 10 – December 2018 and paragraph 6.3.7 of Technical Advice Note: 5 Nature Conservation and Planning – September 2009.
4. Insufficient information has been provided in respect of the management plan for woodland habitat to be retained to enable a proper assessment to be undertaken by the Local Planning Authority with reference to Policies ENV4 and ENV6 of the Bridgend Local Development Plan 2013.

This appeal has subsequently been **WITHDRAWN** by the appellant.

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<b>CODE NO.</b>	A/19/3229986 (1864)
<b>APPLICATION NO.</b>	P/19/59/FUL
<b>APPELLANT</b>	MR C MORRIS
<b>SUBJECT OF APPEAL</b>	CHANGE OF USE TO HOLIDAY LET ABOVE TRIPLE GARAGE; ALTERATIONS TO APPROVAL P/16/539/FUL TO INCLUDE ALTERATIONS TO GLAZING, ENTRANCE DOOR AND ROOF FINISH TO REAR DELFRYN, HEOL LAS, MAUDLAM
<b>PROCEDURE</b>	WRITTEN REPS
<b>DECISION LEVEL</b>	COMMITTEE

This appeal was lodged against the conditions imposed on the Planning permission. The appeal has been **TURNED AWAY** as the required information was not submitted within the timeframe imposed by the Planning Inspectorate.

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**CODE NO.** A/19/3239599 (1876)  
**APPLICATION NO.** P/19/476/FUL  
**APPELLANT** MR A POURGHOLI  
**SUBJECT OF APPEAL** CHANGE USE TO HAND CAR WASH WITH THE ERECTION OF A FREE STANDING CANOPY AND WIDENING OF ONE DOORWAY: 35 VILLAGE FARM ROAD VILLAGE FARM INDUSTRIAL ESTATE PYLE  
**PROCEDURE** WRITTEN REPS  
**DECISION LEVEL** DELEGATED OFFICER

The application was refused for the following reasons:

1. The car wash facility, by reason of its location, type and nature would create traffic hazards to the detriment of highway and pedestrian safety and the free flow of traffic along Village Farm Road within a busy industrial estate, contrary to policy SP2 of the Bridgend Local Development Plan (2013) and guidance contained within Planning Policy Wales (Edition 10, December 2018).
2. The car wash facility, by reason of its location, type and nature on an industrial site would generate additional on-street parking in close proximity to the development site to the detriment of highway safety contrary to policy SP2 of the Bridgend Local Development Plan (2013), Supplementary Planning Guidance 17 – Parking Standards, and guidance contained within Planning Policy Wales (Edition 10, December 2018).
3. Insufficient information has been submitted with the planning application to determine the impact of the car wash facility on the amenities of neighbouring occupiers that are likely to experience increased levels of noise and general disturbance as a result of such a facility. As such, the proposal is contrary to policies SP2 and ENV7 of the Bridgend Local Development Plan (2013).
4. Insufficient information has been submitted with the planning application to assess the impact of the development on land drainage contrary to the requirements of policy SP2 of the Bridgend Local Development Plan (2013).

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**CODE NO.** C/19/3240183 (1876)  
**APPLICATION NO.** ENF/248/19/ACK  
**APPELLANT** MR A POURGHOLI  
**SUBJECT OF APPEAL** CHANGE USE TO HAND CAR WASH WITH THE ERECTION OF A FREE STANDING CANOPY AND WIDENING OF ONE DOORWAY 35 VILLAGE FARM ROAD, VILLAGE FARM INDUSTRIAL ESTATE, PYLE  
**PROCEDURE** WRITTEN REPS  
**DECISION LEVEL** ENFORCEMENT NOTICE

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**CODE NO.** A/19/3239745 (1877)  
**APPLICATION NO.** P/19/216/FUL

**APPELLANT** MR W CARROLL & FAMILY

**SUBJECT OF APPEAL** RETENTION OF THE USE OF LAND FOR THE STATIONING OF ONE STATIC RESIDENTIAL GYPSY CARAVAN TOGETHER WITH THE ERECTION OF A DAY/UTILITY ROOM, ONE TOURING CARAVAN AND CAR PARKING THE YARD, ROGERS LANE, CEFN CRIBWR

**PROCEDURE** HEARING

**DECISION LEVEL** DELEGATED OFFICER

The application was refused for the following reasons:

1. The proposed development, by reason of its form and location, would generate pedestrian movements along the unrestricted Rogers Lane/Laleston Road towards Cefn Cross where there is no pedestrian footway or refuge resulting in an increased risk of pedestrian/vehicular conflict to the detriment of highway safety. The proposal is therefore contrary to Policies SP2 and SP3 of the Bridgend Local Development Plan (2013), advice contained within Planning Policy Wales, Edition 10, 2018 and Circular 005/2018.

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**CODE NO.** C19/3239759 (1878)  
**APPLICATION NO.** ENF/194/19/ACK

**APPELLANT** MR W CARROLL & FAMILY

**SUBJECT OF APPEAL** UNAUTHORISED USE FOR CARAVAN STORAGE:

**PROCEDURE** HEARING

**DECISION LEVEL** ENFORCEMENT NOTICE

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**CODE NO.** A/19/3239912 (1879)  
**APPLICATION NO.** P/19/495/FUL

**APPELLANT** MR G VINE

**SUBJECT OF APPEAL** CONVERSION OF EXISTING GARAGE INTO A BEAUTY SALON (RE-SUB OF P/18/297/FUL)  
14 WOODLAND AVE PENCOED

**PROCEDURE** WRITTEN REPS

**DECISION LEVEL** DELEGATED OFFICER

The application was refused for the following reason:

1. The retention of the beauty salon is contrary to Policy PLA6 of the Local Development Plan (2013) (paragraphs 3.3.13-3.3.15) as by reason of the nature of the business and number

of customer visits, the proposal would generate a net increase in vehicular movements and would exacerbate existing problems of congestion at the approaches to the level-crossing and the Penprysg Road Rail Bridge in advance of the completion of the Penprysg Road Bridge Improvement (Relief Road Phase 2) to the detriment of the safety and free flow of traffic on the highway network.

Reason: In the interests of highway safety.

**The following appeals have been decided 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>	DELEGATED OFFICER
<b>DECISION</b>	THE INSPECTOR APPOINTED BY THE WELSH MINISTERS TO DETERMINE THIS APPEAL DIRECTED THAT THE APPEAL BE DISMISSED AND THE ENFORCEMENT NOTICE IS VARIED/UPHELD.

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<b>CODE NO.</b>	A/19/3229220 (1863)
<b>APPLICATION NO.</b>	P/19/57/FUL
<b>APPELLANT</b>	MR W M MORRIS
<b>SUBJECT OF APPEAL</b>	RETENTION OF CAR PARK (PERMEABLE SURFACE) TO SERVE FARM SHOP ENTERPRISE LAND AT MOUNT PLEASANT FARM, CEFN CRIBWR
<b>PROCEDURE</b>	WRITTEN REPS
<b>DECISION LEVEL</b>	DELEGATED OFFICER
<b>DECISION</b>	THE INSPECTOR APPOINTED BY THE WELSH MINISTERS TO DETERMINE THIS APPEAL DIRECTED THAT THE APPEAL BE DISMISSED.

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

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**CODE NO.** H/19/3232985 (1865)  
**APPLICATION NO.** A/19/3/ADV

**APPELLANT** SMART CAR WASH LTD

**SUBJECT OF APPEAL** PROPOSED SIGNAGE TO CAR WASH FACILITY  
LAND AT OWEN G MOTORS SITE,  
DUNRAVEN BUSINESS PARK, BRIDGEND

**PROCEDURE** WRITTEN REPS

**DECISION LEVEL** DELEGATED OFFICER

**DECISION** THE APPEAL WAS TURNED AWAY BY THE PLANNING  
INSPECTORATE AS THE DATE BY WHICH TO LODGE THE  
APPEAL HAD EXPIRED.

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**CODE NO.** D/19/3233932 (1867)  
**APPLICATION NO.** P/19/281/FUL

**APPELLANT** MR I JONES

**SUBJECT OF APPEAL** FIRST FLOOR SIDE EXTENSION (VOID BELOW FOR PARKING),  
CHANGE ROOF TO GABLE END & EXTEND DORMER AT REAR  
42 PARCAU AVENUE BRIDGEND

**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.** A/19/3237301 (1873)  
**APPLICATION NO.** P/19/219/OUT

**APPELLANT** MR P A BETHEL

**SUBJECT OF APPEAL** OUTLINE APPLICATION FOR 2 DETACHED DWELLINGS  
FORMER BT REPEATER STATION,  
ISLAND FARM ROAD, BRIDGEND

**PROCEDURE** NON-DETERMINATION

**DECISION LEVEL** DELEGATED OFFICER

**DECISION** THE APPEAL WAS TURNED AWAY BY THE PLANNING  
INSPECTORATE AS INVALID.

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**CODE NO.** D/19/3233411 (1866)  
**APPLICATION NO.** P/19/226/FUL

**APPELLANT** MR C TARR

**SUBJECT OF APPEAL** RETENTION OF FENCE TO FRONT OF DWELLING  
81 PARK STREET, BRIDGEND

**PROCEDURE** HOUSEHOLDER

**DECISION LEVEL** DELEGATED

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

A copy of the appeal and costs application decisions are attached as **APPENDIX C**

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**CODE NO.** D/19/3236305 (1871)  
**APPLICATION NO.** P/19/398/FUL

**APPELLANT** MR L WILLIAMS

**SUBJECT OF APPEAL** PROPOSED FIRST FLOOR REAR EXTENSION  
15 VICTORIA ROAD, KENFIG HILL

**PROCEDURE** HOUSEHOLDER

**DECISION LEVEL** DELEGATED

**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 D**

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**CODE NO.** D/19/3237852 (1874)  
**APPLICATION NO.** P/19/391/FUL

**APPELLANT** MR R HAYES

**SUBJECT OF APPEAL** REMODELLING OF DWELLING INCLUDING RAISING THE  
HEIGHT, REAR AND SIDE EXTENSIONS  
3 NOTTAGE MEAD, PORTHCAWL

**PROCEDURE** WRITTEN REPS

**DECISION LEVEL** COMMITTEE

**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 E**



**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 29/07/19

**gan A L McCooey BA MSc MRTPI**

**Arolygydd a benodlr gan Weinidogion Cymru**

**Dyddiad: 18.09.2019**

**Appeal Decision**

Site visit made on 29/07/19

**by A L McCooey BA MSc MRTPI**

**an Inspector appointed by the Welsh Ministers**

**Date: 18.09.2019**

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**Appeal Ref: APP/F6915/C/19/3229249 (Appeal A)**

**Site address: land adjacent to Mount Pleasant Farm Shop, Farm Road, Cefn Cribwr, Bridgend, CF32 0HA**

**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 W M Morris against an enforcement notice issued by Bridgend County Borough Council.
  - The enforcement notice, numbered ENF/282/18/ACK, was issued on 17 April 2019.
  - The breach of planning control as alleged in the notice is without planning permission, the change of use of the said land from open land/agriculture to a car park to serve the farm shop enterprise.
  - The requirements of the notice are:
    - (a) cease the use of the land as a car park and revert use to that of open land/agriculture
    - (b) remove and keep removed the hardstanding and re-seed the area to grass
    - (c) remove all materials resulting from (b) above.
  - The period for compliance with the requirements is 3 months after the notice takes effect.
  - The appeal is proceeding on the grounds set out in section 174(2) (a), (f) and (g) of the Town and Country Planning Act 1990 as amended.
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**Appeal Ref: APP/F6915/A/19/3229220 (Appeal B)**

**Site address: land adjacent to Mount Pleasant Farm Shop, Farm Road, Cefn Cribwr, Bridgend, CF32 0HA**

**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 W M Morris against the decision of Bridgend County Borough Council.
  - The application Ref P/19/57/FUL, dated 22 January 2019, was refused by notice dated 4 April 2019.
  - The development proposed is the retention of a car park to serve the farm shop enterprise.
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## **Decisions**

### **Appeal A**

1. It is directed that the enforcement notice (EN) be corrected by the deletion of the words "and revert use to that of open land/agriculture" in Section 5 (a). Subject to this correction the appeal is dismissed, and the notice is upheld. Planning permission is refused on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

### **Appeal B**

2. The appeal is dismissed.

## **Main Issues**

3. The main issues are whether the car park meets the policy tests for development in the countryside and the potential impact of the development on the safety of users of the nearby highway network.

## **The Notice**

4. Requirement (a) of the EN states "revert use to that of open land/agriculture". This goes beyond what is necessary to remedy the breach. Paragraph (b) addresses restoring the land to grass and so these words are also unnecessary. For these reasons, I direct that the EN be corrected to remove this wording from Requirement (a). I am satisfied that no prejudice would be caused by this correction.

## **Reasons**

### *Background*

5. 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 application was also refused on the basis that insufficient information had been provided to enable the Highway Authority to assess the existing parking provision against the parking standards in order to determine whether the new car park was justified and sustainable.
6. The car park is associated with a retail outlet (described as a farm shop) that sells a range of food, furniture and other products as well as sheds and fencing panels. The Local Planning Authority considers that the farm shop use is unauthorised but is immune from enforcement action by virtue of the length of time it has been in existence.
7. The farm shop is located on a straight stretch of road outside Cefn Cribwr. There is a car park in front of the shop with an adjoining shed display area. The appellant's dwelling is immediately to the west. There are various buildings to the rear of the shop premises. Apart from the farm shop complex and the dwelling, the general character of the area appears open and rural in nature. The land falls away to the south towards the M4, which cannot be readily seen, to the rear.
8. The appeal car park is located on the road frontage to the east of the existing shop complex. There is a hedge/embankment along the roadside and a bund along the eastern boundary. The rear boundary is partially enclosed by some vegetation along its length. There is no separation from the shop with a large shed display area adjoining the site. The car park area is level and covered in hardcore/chippings.

*Appeal A – Ground (a) & Appeal B*

9. Statute<sup>1</sup> requires that the appeal be determined in accordance with the development plan unless material considerations indicate otherwise. The relevant 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 Policy ENV1 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. Additionally, all new development must be of a scale and design that respects the character of the surrounding area.
10. The car park is to serve the existing enterprise. The appellant claims that the car park is necessary due to car parking on the highway verge at busy times. Some photographs of this were supplied with the planning application material. The car park is a large area relative to the scale of the business and it represents a significant expansion of the enterprise. The expansion of the business into the open countryside would not be sustainable and could set an undesirable precedent for similar development in the countryside, making them difficult to refuse.
11. The highway authority points out that there would be a considerable over-provision of car parking with the appeal development as well as existing parking. This existing parking would serve the business and meet the required standards, which are based on its floorspace. Current planning policy makes it clear that such standards are maxima and where possible these levels should be reduced. The appellant has not submitted any parking surveys or information on existing parking (other than the photographs). The photos show cars parked within the existing car park, but only one photo shows 4 vehicles parked on the roadside opposite the site entrance. No indication of the frequency of parking outside the site has been provided. The Council has received no complaints about this parking. There was no evidence that it has caused any problems for patrons or passing motorists. The shed display area has encroached into an area previously used for car parking, according to the Council's evidence. This area could be reconfigured to provide some additional spaces if required. Other options may be available to provide more parking without adverse effect on the viability of the business. No substantive evidence of how such matters would impact on the income of the business was provided.
12. I do not agree with the appellant's contention that planning policy related to development outside settlement limits in Bridgend County Borough is a matter of balance between protecting the environment and facilitating development. Both national and local policy is expressed in terms of strict control over new development. The car park is a large addition to the existing enterprise with no convincing evidence to justify the scale of the car park provided.

<sup>1</sup> Section 38 (6) of the Planning and compulsory Purchase Act 2004

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

13. The car park is screened from the roadside and has been enclosed by a bund on one side boundary. However, it is an obvious expansion of the business use into the open countryside. This cannot be justified by the evidence before me. The car park would present a more urban appearance in this rural area. This would be detrimental to the character and appearance of the area and its open rural nature. As such the development is contrary to Policy ENV1 in principle.
14. Both the EN and planning application identify the area of the site and this is what is before me in these appeals. The appellant's offer to reduce the car park was not supported by any details and was introduced late in the appeal process (in the appellant's final comments). For these reasons I do not take this suggestion into account.
15. No survey information on the biodiversity interest of the site prior to it being developed or as it now exists is available. In the absence of this information, the argument that this was a scruffy, poorly maintained disused piece of land are not supported. The site can be returned to grass, which would respect the site context and overwhelming character of the area. Other forms of development may be appropriate and allowed for under Policy ENV1. The circumstances of the solar farm are not known as this matter was also raised in the appellant's final comments. In any event it would be assessed in a different policy context.
16. Having considered all the matters raised I conclude that the appeals against the EN on ground (a) and against the refusal of planning permission should be dismissed for the reasons given above. 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.

Appeal A – Ground (f)

17. The appellant states that the requirement to remove the surface of the car park is unreasonable and covering it with soil and seeding it would suffice. I consider that the removal of the hard standing is necessary to return the land to its former state, which is reasonable in this countryside location. The appeal on ground (f) fails.

Appeal A – Ground (g)

18. The appellant argues that a six-month period would be more appropriate because the extra time would be needed to establish an acceptable covering of grass. This is not required to be completed within the 3-month period. The grass can establish thereafter. Three months would be sufficient to comply with the requirements of the EN. The appeal on ground (g) fails.

### **Conclusion**

19. Both appeals are therefore dismissed in their entirety for the reasons given.

*A L McCooey*

**Inspector**

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**Penderfyniad ar yr Apêl**

Ymweliad â safle a wnaed ar 16/09/19

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

**Arolygydd a benodir gan Weinidogion Cymru**

**Dyddiad: 15.10.2019**

**Appeal Decision**

Site visit made on 16/09/19

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

**an Inspector appointed by the Welsh Ministers**

**Date: 15.10.2019**

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**Appeal Ref: APP/F6915/D/19/3233932**

**Site address: 42 Parcau Avenue, Bridgend CF31 4SY**

**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 Ian Jones against the decision of Bridgend County Borough Council.
  - The application Ref P/19/281/FUL, dated 24 April 2019, was refused by notice dated 13 June 2019.
  - The development proposed is described as '*side extension at 1st floor level (Bedroom and ensuite) which includes the roof space above to extend the existing Dormer at the rear*'.
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**Decision**

1. The appeal is dismissed.

**Main Issues**

2. The main issues are the effect of the proposal on the character and appearance of the street scene and on the living conditions of the occupiers of No. 44 Parcau Avenue, with particular regard to outlook.

**Reasons**

3. The appeal property is a two-storey semi-detached property located in a residential area containing mainly semi-detached dwellings which display uniformity in terms of architectural style and spacing. The separation distances and spaces between properties are relatively constant and set a regular pattern of built development which creates a strong uniform layout to the area. The character and appearance of well spaced properties is maintained by the use of single storey garages to the side of some of the houses and the distinctive hipped gable roofs to most of the houses.
  4. It is proposed to extend the western elevation of the property at first floor level above the ground floor void that would continue to provide access to the garage at the rear. The extension would be approximately 2.6m in width with a depth of approximately 7.3m and the existing hipped roof and side roof dormer would be replaced by a gable roof design. The existing rear dormer would be extended across the full width of the rear elevation.
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5. I saw that many properties along Parcau Avenue and neighbouring streets have already been altered and extended which has changed the appearance of those houses and the balance of the pairs of semi-detached properties. A number of houses, including the appeal property, have been extended with large dormers extending out from the side of the hipped roof which has resulted in these semi-detached dwellings appearing unbalanced. I consider that the large dormer on the side of the appeal property has already led to No's 40 and 42 appearing unbalanced.
6. By building across the space above the void, the development would fill the gap that currently separates the appeal property and No 44 Parcau Avenue at first floor level, and would contribute towards eroding the spacing and separation between the properties that is a key attribute of the character of the area. Nevertheless, I noted that other houses close-by have been extended to the side in a similar manner to the appeal proposals, and although these examples have reduced the sense of space that exists between the houses, they have not had a materially harmful impact on the appearance of those dwellings. However, of particular significance is the fact that the majority of the examples that I saw, including those provided by the Appellant, have utilised a hipped roof design which has significantly reduced the bulk and massing of those extensions, and as a result they sit comfortably within the street.
7. The extension to the side of the appeal property on the other hand proposes to replace the hipped roof with a gable roof design. In my opinion this feature would add significant bulk to the finished property and would accentuate the unbalancing impact of the extension, and the impression of reducing the spacing between No's 42 and 44. As such, it is my view that the proposed building form and the replacement of the hipped design in the particular circumstances of this proposal and host dwelling, would be an unacceptable design approach to respect the character and form of the existing property, and would appear ungainly and significantly unbalance the appearance of the property and detract from the street scene.
8. Although the extension would not fill the void in front of the garage at ground floor level, the upper part of the extension at first floor level and the roof space would be sited on the boundary with No 44 Parcau Avenue. The mass and bulk of built form would be significantly increased in comparison with that of the current dwelling, and the scale of the two storey gabled roof extension as opposed to a hipped roof sloping away from No 44 would appear overbearing to the occupiers of the neighbouring house. Although the rear dormer would be set slightly away from the side of the extension it would contribute to the mass of built form on this side of the house. Having regard to the perceived increase in height of the appeal property due to the use of a gable roof design in such close proximity to the common boundary, I consider that the extension would result in a significant change in the living conditions of the occupiers of No 44.
9. Despite the fact that the windows affected are small and may not serve the main habitable rooms, there is no doubt in my mind that the outlook from within and outside No 44 would be dominated by a mass of built form in a way that I consider would be overbearing and oppressive, with consequence adverse effects on the living conditions of the occupant(s) concerned. The appellant refers to a lack of objection from the occupiers of No 44 but I must consider the wider public interest which includes protecting the amenities of both current and future occupiers.
10. The proposed extension would run counter to the general thrust of the advice contained within the Council's adopted Supplementary Planning Guidance 2 (SPG) - Householder Development (2008) Notes 16 and 17. However, given that the SPG document appears to have been adopted in 2008 under the former Unitary

Development Plan (UDP) and I have not been provided with any evidence that it has been revised or updated to accord with the Adopted Bridgend Local Development Plan (LDP) 2013, I have not afforded any conflict with that document or any weight in the determination of this appeal.

11. Having regard to the above, I conclude that the development would have a harmful impact on the character and appearance of the street scene and on the living conditions of the occupiers of 44 Parcau Avenue, with particular regard to outlook. Therefore, the appeal proposal would conflict with Policy SP2 of the LDP. This policy requires all development to contribute to creating high quality, attractive, sustainable places which enhance the community in which they are located, whilst having full regard to the natural, historic and built environment by having a design of the highest quality possible, whilst respecting and enhancing local character and distinctiveness and landscape character (criterion 2); and being of an appropriate scale, size and prominence, and by ensuring that the viability and amenity of neighbouring uses and their users/occupiers will not be adversely affected by development proposals.
12. I recognise the need to create a better internal living arrangement to accommodate the Appellant's family, but this does not carry sufficient weight to overcome the concerns I have identified above.

### **Conclusions**

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 objectives of building healthier communities and better environments.
14. Having regard to the above and considered all other matters raised, I conclude that the appeal should be dismissed.

*Richard Duggan*

INSPECTOR



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## **Penderfyniad ar yr Apêl**

Ymweliad â safle a wnaed ar 24/09/19

**gan H C Davies BA (Hons) Dip UP  
MRTPI**

**Arolygydd a benodir gan Weinidogion Cymru**  
**Dyddiad: 24.10.2019**

## **Appeal Decision**

Site visit made on 24/09/19

**by H C Davies BA (Hons) Dip UP MRTPI**

**an Inspector appointed by the Welsh Ministers**  
**Date: 24.10.2019**

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**Appeal Ref: APP/F6915/D/19/3233411**

**Site address: 81 Park Street, Bridgend CF31 4AZ**

**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 Craig Tarr against the decision of Bridgend County Borough Council.
  - The application Ref P/19/226/FUL, dated 31 March 2019, was refused by notice dated 17 May 2019.
  - The development proposed is described on the application form as: "Erection of fence to the inside front boundary of the property, behind an existing boundary wall".
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### **Decision**

1. The appeal is dismissed.

### **Application for costs**

2. An application for costs was made by Mr Craig Tarr against Bridgend County Borough Council. This application is the subject of a separate Decision.

### **Procedural Matters**

3. I have dealt with the application on the basis that it seeks permission in retrospect given that the timber fence has already been erected.

### **Main Issues**

4. These are the effect of the development on the character and appearance of the area, and highway safety.

### **Reasons**

5. The appeal property is located in an established residential area consisting mainly of detached dwellings set back from the road with front gardens, some of which are used for parking. It fronts onto Park Street and in common with many other frontages in the locality, it is enclosed by a low wall and is generally open and undeveloped. Many of the boundaries are supplemented with hedge and shrub planting, which form soft and natural forms of enclosures that contribute to the pleasant verdant context. Although the general housing character is diverse these features are important characteristics that provide visual relief to the otherwise built-up character of the area.
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There are some timber fences including at Nos 87 and 89, but these are in the minority and are generally in less prominent locations and smaller in scope. These other fences have not therefore unduly changed or influenced the individual context of the appeal site that I have described.

6. The fence runs along the entire stone wall frontage and partly along the common boundary with No.79. It comprises close boarded timber panels of a suburban appearance that are not untypical of rear garden enclosures in residential environments such as this. However, in this case the fence is prominently sited at a height well above the existing front boundary wall and extends along most of the principal road frontage of the property.
7. Although the fence has been stained in a dark colour, owing to its solid nature, and given its height and siting, it forms a stark form of enclosure that contrasts with the prevailing landscaped and natural forms of front boundary treatments along the road. As a consequence, it is an uncharacteristic feature that is visually dominant in the street scene and detracts from the verdant qualities of the area. I also note that the fence provides for privacy and the safety of children living at the property, however the visual harm in this case is compelling and outweighs these considerations.
8. Given its siting and height, I acknowledge that the existing boundary wall already obscures visibility on one side for drivers emerging from the driveway of No.79. Nevertheless, the siting and height of the fence along the frontage does increase risk to pedestrians using the footway who might not see or hear vehicles emerging from the driveway of No.79. Likewise, a driver emerging from the drive, especially if reversing, would have insufficient warning of pedestrians. I acknowledge that there are other cases of overgrown hedges that affect visibility but unlike the permanence of a solid fence, these are capable of being cut back and maintained. In these circumstances, I consider the fence results in unacceptable harm to pedestrian safety.
9. I note the intention to clad the fence with foliage which I accept would soften its appearance. However there are no specific details before me to make a full assessment and in any event this would not overcome the harm to pedestrian safety. I conclude that the development is harmful to the character and appearance of the area and highway safety interests, contrary to the objectives of Policy SP2 of the Bridgend Local Development Plan, and the Council's Supplementary Planning Guidance (SPG) 02 – Householder Development.
10. I have taken account of all matters raised including the permitted development rights pertaining to the side return fencing and the first 1m height, but this does not alter my conclusions that the siting and height of the fence along the road frontage is unacceptable for the reasons given. Similarly, the Council's decision to take enforcement action is not a matter that falls within my jurisdiction or which affects the planning merits of this appeal.
11. In reaching my decision, I have taken account of the requirements of sections 3 and 5 of the Well-Being of Future Generations (Wales) Act 2015. I consider that this decision is in accordance with the Act's sustainable development principle through its contribution towards one or more of the Welsh Ministers well-being objectives set out as required by section 8 of the WCFG Act.
12. For the above reasons, the appeal is dismissed.

*HC Davies*

**INSPECTOR**



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## Penderfyniad ar gostau

Ymweliad â safle a wnaed ar 24/09/19

gan **H C Davies BA (Hons) Dip UP MRTPI**

Arolygydd a benodir gan Weinidogion  
Cymru

Dyddiad: 24.10.2019

## Costs Decision

Site visit made on 24/09/19

by **H C Davies BA (Hons) Dip UP MRTPI**

an Inspector appointed by the Welsh Ministers

Date: 24.10.2019

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**Costs application in relation to Appeal Ref: APP/F6915/D/19/3233411**

**Site address: 81 Park Street, Bridgend CF31 4AZ**

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

- The application is made under the Town and Country Planning Act 1990, sections 78, 322 and Schedule 6.
  - The application is made by Mr Craig Tarr for an award of costs against Bridgend County Borough Council.
  - The appeal was against the refusal of planning permission for the erection of fence to the inside front boundary of the property, behind an existing boundary wall.
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## Decision

1. The application for an award of costs is refused.

## Reasons

2. Welsh Government (WG) guidance relating to an award of costs, in the form of the WG Development Management Manual (DMM) and the associated Section 12 Annex: 'Award of Costs' (May 2017) (Annex 12), advises that, irrespective of the outcome of an appeal, costs may only be awarded against a party who has behaved unreasonably and thereby caused the party applying for an award of costs to incur unnecessary or wasted expense in the appeal process.
3. The appellant considers that the failure of Bridgend County Borough Council (The Council) to advise during the course of a verbal enquiry that planning permission was required for the fence has resulted in unnecessary or wasted expense. Nonetheless, the need for planning permission was clearly established before the appeal was made. This did not therefore directly lead to the appeal which was made ultimately in response to the substance of the Council's decision to refuse planning permission. The Council reached its decision having regard to the relevant development plan policy and its reasons are set out in the evidence. It has also cooperated with the appeal process and provided all the necessary information. I have no evidence before me that the Council has behaved unreasonably or that the applicant has incurred unnecessary or wasted expense.
4. I therefore conclude that neither a full or partial award of costs is justified in this case.

*H C Davies*

Inspector

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## Penderfyniad ar yr Apêl

Ymweliad safle a wnaed ar 01/10/19

**gan Hywel Wyn Jones BA(Hons) BTP  
MRTPI**

**Arolygydd a benodir gan Weinidogion Cymru**

**Dyddiad: 25.10.2019**

## Appeal Decision

Site visit made on 01/10/19

**by Hywel Wyn Jones BA(Hons) BTP  
MRTPI**

**an Inspector appointed by the Welsh Ministers**

**Date: 25.10.2019**

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**Appeal Ref: APP/F6915/D/19/3236305**

**Site address: 15 Victoria Road, Kenfig Hill, Bridgend, CF33 6ER**

**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 Williams against the decision of Bridgend County Borough Council.
  - The application (ref: P/19/398/FUL), dated 4 June 2019, was refused by notice dated 10 July 2019.
  - The development proposed is a first-floor rear extension.
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### Decision

1. The appeal is allowed and planning permission is granted for a first-floor rear extension at 15 Victoria Road, Kenfig Hill, Bridgend, CF33 6ER in accordance with the terms of the application, ref: P/19/398/FUL, dated 4 June 2019, subject to the following conditions:
  - 1) The development shall begin not later than five years from the date of this decision.  
*Reason: To comply with Section 91 of the Town and Country Planning Act 1990.*
  - 2) The development shall be carried out in accordance with the following approved plans: drawing Nos 04 and 06 (A).  
*Reason: To ensure that the development is carried out in accordance with the approved drawings submitted during the application.*
  - 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.  
*Reason: In the interests of the visual amenity of the area, in accordance with Policy SP2 of the Local Development Plan.*

### Main Issue

2. The main issue is the effect of the proposed extension on the living conditions of neighbouring residents, particularly in terms of any visual impact.
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## Reasons

3. The appeal property and its neighbour, No. 14, form a pair of two-storey, semi-detached dwellings with back gardens that rise steeply rearwards. Their common side boundary is staggered such that a strip of the rear garden of the appeal property extends behind part of the rear elevation of No. 14. The side elevation of a ground-floor, flat-roofed projection at the rear of the appeal property abuts the boundary stone wall. Its roof is at a similar level to the adjoining part of the rear garden. The proposed first-floor extension would sit on part of this projection, extending rearwards by 3.6m and would step in from the side elevation of the existing addition abutting No. 14 to broadly align with the internal separation of the two houses.
4. My visit revealed that from the neighbouring living room, which is served by a large rear-facing opening, the side walls of the appeal property and the steep steps and high retaining walls to the elevated rear garden of No. 14 greatly restrict outlook. I consider that the extent to which the side wall of the proposed extension would be stepped away from the tall side elevation of the ground-floor addition means that its visual impact on neighbouring residents would be very modest, including from the side door serving the neighbour's rear projection. It would not have an overbearing effect nor, given its size and position relative to the sun's trajectory, would it materially affect daylight or otherwise harm living conditions. In terms of outdoor amenity space serving No. 14, the patio area closest to the house is already enclosed by high walls and a fence whereas the higher parts of the large rear garden would continue to provide a more open outlook.
5. The Council cites a conflict with Notes 1 and 3 of its Supplementary Planning Guidance Note 02: Householder Development, and specifically refers to a recommendation that a gap should be provided of at least 0.5m, preferably 1m, between a first-floor extension and the site boundary. As the appellant points out such a gap would be provided, and the scheme would accord with the guidance on the '45 degree code' in relation to the neighbouring ground-floor opening.
6. I find that the extension would not have an unacceptable effect on the living conditions of neighbouring residents including in terms of any visual intrusion or loss of light. Thus, there is no conflict with Policy SP2 of the Council's Local Development Plan (2013) which includes that development should be of an appropriate scale, size and prominence, and should not adversely affect the amenity of neighbours.
7. A neighbour has expressed concern that the value of his property would be negatively affected, however such a private interest matter is not directly material to a planning decision which is made in the public interest.

## Conclusions

8. For the above reasons I conclude that the scheme is acceptable and shall therefore allow the appeal subject to conditions.
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.

*Hywel Wyn Jones*

INSPECTOR



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## Penderfyniad ar yr Apêl

Ymweliad â safle a wnaed ar 15/10/19

gan **H C Davies BA (Hons) Dip UP MRTPI**

Arolygydd a benodir gan Weinidogion Cymru

Dyddiad: 05.11.2019

## Appeal Decision

Site visit made on 15/10/19

by **H C Davies BA (Hons) Dip UP MRTPI**

an Inspector appointed by the Welsh Ministers

Date: 05.11.2019

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**Appeal Ref: APP/F6915/D/19/3237852**

**Site address: 3 Nottage Mead, Porthcawl, Bridgend, CF36 3SA**

**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 Richard Hayes against the decision of Bridgend County Borough Council.
  - The application Ref P/19/391/FUL, dated 31 May 2019, was refused by notice dated 12 September 2019.
  - The development proposed is rear and side extension and new roof with new first floor accommodation including demolition works to existing structure.
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### Decision

1. The appeal is dismissed.

### Main Issue

2. The Council does not raise any significant concerns with the raising of the ridge height of the dwelling or with the side extension and I do not disagree. Given the generally diverse architectural context and that the proposals would be proportionate in scale and appearance to the host dwelling, neither would there be any material harm to the character or appearance of the area. The main issue is the effect of the rear extension on the living conditions of the occupiers of 5 Nottage Mead.

### Reasons

3. The proposed development would not appear over large given it lies within an extensive rear garden, however, it would result in a rear extension of significant mass, close up to the boundary of No.5. Whilst the ridge of the extension would be set back approximately 4.9 m from the boundary, because of its length and height, it would give rise to an overwhelmingly dominant and overbearing visual effect within No.5's garden. Given the proposed height of the rear extension, the existing boundary wall would not offset this harm and there is little doubt in my mind that the proposed rear extension would materially reduce the level of outlook from the garden of No.5 Nottage Mead.
  4. The rear ground floor of No.5 accommodates a living room which I saw is of a size and type that would facilitate its use as a principal living space. Viewed from the rear patio
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doors of this room, the appeal scheme would be readily apparent. However, views towards the proposed rear extension would be oblique, and given this, the proposed extension would not appear harmfully overbearing from within the living room.

5. I have had regard to the appellant's solar study which provides an indication of the extent of actual overshadowing and agree with the appellant's assessment that the development would not significantly restrict sunlight to the adjacent ground floor windows of the neighbouring property. The proposal thus complies with the Supplementary Planning Guidance 02 - Householder Development (SPG) in terms of overshadowing effects. However, the extension by virtue of its visual dominance would mean that daylight would be curtailed to the neighbouring property for an additional portion of the day compared with the present situation. Whilst the loss of natural light may be minor, nonetheless it would exacerbate the visual oppressiveness of the development.
6. My attention has been drawn to an existing planning permission (ref P/17/665/FUL) that has been granted for a similar scheme at this location. However, the proposal before me consists of a rear extension, which would be both higher and longer and result in a development of significantly greater mass, which is reflected in the harm I have described. Hence, the fallback position does not alter my decision.
7. Based on the above, I find that, whilst the appeal scheme would not harmfully reduce the outlook available from the neighbouring living room, it would have an unacceptably overbearing effect on No.5's garden which would harm the living conditions of the occupants of that property. I therefore conclude that the development would conflict with Policy SP2 of the Bridgend Local Development Plan (2013) and the adopted SPG which amongst other things seek to ensure that development does not adversely affect the amenity of neighbouring uses and their occupiers.

### **Conclusion**

8. In reaching my decision, I have taken account of the requirements of sections 3 and 5 of the Well-Being of Future Generations (Wales) Act 2015. I consider that this decision is in accordance with the Act's sustainable development principle through its contribution towards one or more of the Welsh Ministers well-being objectives set out in section 8 of the WBFG Act.
9. For the above reasons, I conclude that the appeal is dismissed.

*HC Davies*

INSPECTOR