

APPEALS

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

CODE NO. A/20/3258047 (1900)
APPLICATION NO. P/20/310/FUL

APPELLANT MR N CAREY

SUBJECT OF APPEAL DEMOLITION OF A 1.5M HIGH AND 2.7M LONG STONE WALL ON RIGHT HAND SIDE OF HOUSE; FORMATION OF DRIVEWAY AND CROSSOVER; REBUILD STONE WALL ON LEFT HAND SIDE OF HOUSE AT 6.29M IN LENGTH AND REPLACE WOODEN GATES WITH WROUGHT IRON GATES
TAN Y BRYN, DINAM STREET, NANTYMOEL

PROCEDURE WRITTENS REPS

DECISION LEVEL DELEGATED OFFICER

The application was refused for the following reasons:

1. The demolition of a section of stone boundary wall which forms part of the intrinsic character of this property and the Nantymoel Conservation Area does not protect, conserve, promote or enhance this historic environment and is therefore contrary to Policies SP2 and SP5 of the Bridgend Local Development Plan, the placemaking outcomes of Planning Policy Wales – Edition 10 2019 and the guidance in Technical Advice Note 24 - The Historic Environment - May 2017.
2. The proposed wrought iron gates by virtue of their scale, appearance and prominence would have a negative effect on the integration and harmony of the property with adjacent properties and the Nantymoel Conservation area. The structures do not protect, conserve, promote or enhance this historic environment and are therefore contrary to Policies SP2 and SP5 of the Bridgend Local Development Plan, the placemaking outcomes of Planning Policy Wales – Edition 10 2019 and the guidance in Technical Advice Note 24 - The Historic Environment - May 2017.

CODE NO. E/20/3258043 (1901)
APPLICATION NO. P/20/311/CAC

APPELLANT MR N CAREY

SUBJECT OF APPEAL CONSERVATION AREA CONSENT FOR DEMOLITION OF A 1.5MHIGH AND 2.7M LONG STONE WALL ON RIGHT HAND SIDE OF HOUSE; FORMATION OF DRIVEWAY AND CROSSOVER; REBUILD STONE WALL ON LEFT HAND SIDE OF HOUSE AT 6.29M IN LENGTH AND REPLACE WOODEN GATES WITH WROUGHT IRON GATES
TAN Y BRYN, DINAM STREET, NANTYMOEL

PROCEDURE WRITTEN REPS

DECISION LEVEL DELEGATED OFFICER

The application was refused for the following reason:

1. The demolition of a section of stone boundary wall which forms part of the intrinsic character of this property and the Nantymoel Conservation Area does not protect, conserve promote and enhance this historic environment and is therefore contrary to Policies SP2 and SP5 of the Bridgend Local Development Plan, the placemaking outcomes of Planning Policy Wales – Edition 10 2019 and the guidance in Technical Advice Note 24 - The Historic Environment - May 2017

CODE NO. A/20/3259575 (1902)
APPLICATION NO. P/20/230/FUL

APPELLANT MR S DUNLOP

SUBJECT OF APPEAL DEMOLITION OF EXISTING GARAGE AND ERECTION OF A TWO BEDROOM SINGLE STOREY DWELLING
48 PARK STREET, BRIDGEND

PROCEDURE WRITTEN REPS

DECISION LEVEL DELEGATED OFFICER

The application was refused for the following reasons:

1. The proposal, by reason of its siting and design, represents an inappropriate and unsympathetic form of infill development that fails to respect the existing character and general levels of amenity currently enjoyed in the locality. The application is therefore contrary to policy SP2 of the Bridgend Local Development Plan (2013) and advice contained within Technical Advice Note (TAN) 12: Design (2016) and Planning Policy Wales (Edition 10, December 2018).
2. The narrow lane leading to the site is not suitable to serve as the principal means of vehicular, pedestrian or cycle access for the proposed development, and is considered a barrier to walking and cycling, contrary to Policy SP2 of the Bridgend Local Development Plan, 2013 and contrary to the Active Travel (Wales) Act 2013.
3. The proposed development and additional use of the sub-standard accesses will create increased traffic hazards to the detriment of highway safety in and around the site, contrary to Policy SP2 of the Bridgend Local Development Plan, 2013.

CODE NO. X/20/3259517 (1903)
APPLICATION NO. P/20/365/LAE

APPELLANT MRS M SORA

SUBJECT OF APPEAL CERTIFICATE OF LAWFULNESS FOR AN EXISTING USE OF THE GARAGE AS A NAIL SALON: 19 HEOL STRADLING, COITY

PROCEDURE WRITTEN REPS

DECISION LEVEL DELEGATED OFFICER

The application was refused for the following reason:

It is considered that the conversion of part of the garage at the property to a nail salon operated as a commercial business is not ancillary to the residential use of the dwelling and constitutes a material change of use for which planning permission is required.

CODE NO. A/20/3259511 (1904)
APPLICATION NO. P/20/152/FUL

APPELLANT MRS M SORA

SUBJECT OF APPEAL PARTIAL GARAGE CONVERSION AND CHANGE ITS USE INTO NAIL SALON: 19 HEOL STRADLING, COITY

PROCEDURE WRITTEN REPS

DECISION LEVEL DELEGATED OFFICER

The application was refused for the following reason:

1. The proposed nail salon would result in insufficient space being available within the curtilage of the site to provide vehicle parking facilities to serve the occupiers of the dwelling and customers of the proposed business and the proposal would lead to inappropriate parking on street or within the residents' parking court area to the detriment of pedestrian and highway safety, contrary to Policies SP2 and PLA11 of the Bridgend Local Development Plan, the SPG17: Parking Guidelines and advice contained within Planning Policy Wales (Edition 10, Dec 2018).

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

CODE NO. A/20/3249036 (1888)
APPLICATION NO. P/19/342/FUL

APPELLANT MR S TALBOT

SUBJECT OF APPEAL RETENTION OF CHANGE OF USE TO A GYM
UNIT 11 QUEENS COURT, BRIDGEND INDUSTRIAL ESTATE

PROCEDURE WRITTEN REPS

DECISION LEVEL DELEGATED OFFICER

DECISION THE INSPECTOR APPOINTED BY THE WELSH MINISTERS TO DETERMINE THIS APPEAL DIRECTED THAT THE APPEAL BE ALLOWED SUBJECT TO CONDITIONS.

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

CODE NO. A/20/3246041 (1892)
APPLICATION NO. P/20/11/OUT
APPELLANT MR S JOHN
SUBJECT OF APPEAL ERECTION OF ONE SINGLE STOREY DWELLING (BUNGALOW)
31 FELINDRE ROAD, PENCOED
PROCEDURE WRITTEN REPS
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**

CODE NO. A/20/3253366 (1894)
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 WRITTEN REPS
DECISION LEVEL DELEGATED OFFICER
DECISION THE INSPECTOR APPOINTED BY THE WELSH MINISTERS
TO DETERMINE THIS APPEAL DIRECTED THAT THE APPEAL
BE DISMISSED.

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

CODE NO. D/20/3256506 (1997)
APPLICATION NO. P/20/327/FUL
APPELLANT MR R RAWLES
SUBJECT OF APPEAL SINGLE STOREY EXTENSION TO REAR
20 UPPER STREET, MAESTEG
PROCEDURE HOUSEHOLDER APPEAL
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 is attached as **APPENDIX D**

CODE NO. D/20/3257637 (1998)
APPLICATION NO. P/20/49/FUL

APPELLANT MR M ROSSINI

SUBJECT OF APPEAL DEMOLISH EXISTING SIDE STRUCTURE AND REPLACE WITH 2 STOREY EXTENSION; RAISE ROOF OF DWELLING TO PROVIDE FIRST FLOOR ACCOMMODATION; DORMER TO FRONT ELEVATION WITH JULIET BALCONY
45 WEST DRIVE, PORTHCAWL

PROCEDURE HOUSEHOLDER APPEAL

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 E**

CODE NO. A/20/3250766 (1899)
APPLICATION NO. P/20/297/FUL

APPELLANT MR D HALES

SUBJECT OF APPEAL CONSTRUCT A SINGLE GARAGE (RE-SUBMISSION OF P/19/949/FUL)
20 BRIDGEND ROAD, PORTHCAWL

PROCEDURE HOUSEHOLDER APPEAL

DECISION LEVEL HOUSEHOLDER

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 F**

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)



Penderfyniad ar yr Apêl

Ymweliad â safle a wnaed ar 01/07/20

gan H C Davies BA (Hons) Dip UP
MRTPI

Arolygydd a benodir gan Weinidogion Cymru

Dyddiad: 14.09.2020

Appeal Decision

Site visit made on 01/07/20

by H C Davies BA (Hons) Dip UP MRTPI

an Inspector appointed by the Welsh Ministers

Date: 14.09.2020

Appeal Ref: APP/F6915/A/20/3249036

Site address: Unit 11, Queens Court, Bridgend Industrial Estate, Bridgend CF31 3TQ

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 Spartan Strength Camp Fat Loss Clinic Limited against the decision of Bridgend County Borough Council.
- The application Ref P/19/342/FUL, dated 16 May 2019, was refused by notice dated 23 September 2019.
- The development is described as 'the Unit's permitted use is currently Class B1(b) and (c) and Class B8. Spartan Strength Camp Fat Loss Clinic Limited wishes to apply to change the permitted use so that the company can use the Unit as a gym.'

Decision

1. The appeal is allowed and planning permission is granted for a change of use to a gym at Unit 11, Queens Court, Bridgend Industrial Estate, Bridgend CF31 3TQ in accordance with the terms of the application, Ref P/19/342/FUL dated 16 May 2019, subject to the conditions in the attached schedule.

Procedural Matters

2. I have dealt with the application on the basis that it seeks permission in retrospect given that the use is already operating from this location.
3. The description of development set out in the banner heading above is taken from the original application form, however I have adopted and partly amended the description of development provided by the Council's decision notice as it is more concise.
4. The appellant's proposed hours of operation are different to those indicated on the application form upon which the Council made its decision. As the revised hours of operation consist of later opening hours in the mornings of Monday to Saturday than originally proposed; and are overall shorter, I do not consider that any parties would be prejudiced by such a change. I have determined the appeal accordingly, taking account of the revised hours of operation.

Main Issue

5. The main issue is the effect of the development on highway safety having regard to the provision for car parking.

Reasons

6. The appeal building is set within a row of eight industrial units. Nearby uses include workshops, warehousing and manufacturing units mixed in with some trade counters. A vehicle repair shop and MOT centre occupy the units directly opposite. Parking for the development is provided by two spaces directly in front of the unit, forming part of the communal parking area. Parking bays are not currently demarcated.
7. The Council's adopted Supplementary Planning Guidance 17–Parking Standards (SPG) sets out local parking standards for different types of development based on their type and geographical location. An assessment submitted by the Council indicates that the industrial unit lies within a zone 5 parking area, and, being over 100 sq m and under 235 sq m, would require 1 van space and 2 car spaces. Moreover, the SPG indicates that the gym would require 1 vehicle space per 2 facility users, as opposed to the 3 spaces required for the industrial use. The change of use would therefore give rise to a greater demand for parking at the site. The highway submissions concluded that increased level of parking required for the gym compared to the lawful use would not seem excessive, however they do raise concerns given the high degree of vehicular parking in the forecourt area.
8. In this regard, despite the gym being operational since 2018, the Council has provided little substantive evidence of any problems associated with parking in the immediate locality. In particular, the submission of photographs showing parking conditions at a single point of time, are not verified by any date or time of day. Furthermore, no significant evidence has been presented to demonstrate that any parking stress in the area would be exacerbated by the appeal proposal. At the time of my site visit I observed that there were limited parking spaces available within Queens Court, I also noted on-street parking spaces available along Queens Road. I accept that the gym would potentially lead to a modest increase in on-street parking demand, nevertheless, it has not been demonstrated that this increase would be so significant that it would result in a serious risk to the free flow of traffic or highway safety. The Council confirm that there have been no recorded highway incidents during the time the gym has been operational.
9. Whilst the gym opening hours specified in the application form are 06:00 to 21:00 hours, the appellant advises that the use of the gym is curtailed to personal training for 1 client throughout the daytime. Moreover, the instructor led classes, limited to 10 clients, only take place from 18:00 to 21:00 hours in the evenings and 08:00 to 10:00 hours on Saturday mornings. Consequently, the increase in parking demand associated with the gym is generally outside the peak opening hours of the Industrial Estate when parking demand and traffic flows would be less. I consider restricting client numbers and hours of operation via the imposition of suitable conditions would therefore overcome any parking issues.
10. I have taken into account the letters from the occupants of adjacent premises consenting to the development's use of parking spaces in front of those neighbouring units, outside of their operational hours. I share the Council's concerns that such an informal agreement does not amount to a legally enforceable mechanism to secure additional parking that would bind either the current or future occupants of the neighbouring units, as such, this arrangement could cease at any time. Nevertheless,

I consider the use would not lead to an increase in parking demand after 18:00 to the extent that it would lead to an unacceptable level of on-street overspill parking, that would inhibit the free flow of traffic at a time when those roads and junctions would be relatively busy.

11. I note that the development is not supported by a travel plan and scores low in terms of the Sustainability Table used by the Council to consider parking reductions. However, any use of the unit would generate parking demand. In the particular circumstances of this case, there is little evidence that the development results in harm to highway safety from any significant unmet parking demand that cannot be overcome through the imposition of conditions. I therefore conclude that although the development would not provide parking in accordance with the SPG 17, it would not cause any material harm to highway safety, or result in any fundamental conflict with the overall purpose of Policy PLA11 of the Bridgend Local Development Plan to ensure that all development provides appropriate levels of parking.

Conclusions and Conditions

12. I have considered the suggested conditions and have adjusted their wording in the interest of clarity and precision. It is necessary to control changes to other uses within Class D2 to allow the effects of such uses to be properly assessed. Given the extent of parking that is available, I have imposed a condition limiting the number of clients and restricting the opening hours of the gym for both group classes and personal training sessions. Whilst the Council consider such a condition not to be enforceable, they do not offer any reasoning as to why. I have no reason to believe that the monitoring of the condition would be difficult or unduly inconvenient. The condition would overcome the concerns relating to parking provision and would comply with the tests set out in Welsh Government Circular 016/2014 'The Use of Planning Conditions for Development Management.'
13. The Council has suggested the imposition of a planning condition relating to the provision of bicycle stands, however, I do not consider that this condition is necessary as relative to the existing use, the proposal would be unlikely to lead to a significant increase in the number of visitors or users. In addition, given that there is already existing parking provision to serve the unit, I do not consider a condition requiring the submission of a scheme for the provision of 2 off-street parking spaces to be necessary.
14. For the reasons stated above and having taken all matters raised into account, I conclude the appeal should be allowed.
15. In reaching my decision, I have taken 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 set out in Section 8 of the WCFG Act.

H C Davies

INSPECTOR

Schedule of Conditions

- 1) The premises shall be used as a gymnasium only and not be used for any other purpose including any other purpose in Class D2 of the Schedule to the Town and Country Planning (Use Classes) Order, 1987 (or in any provision equivalent to that Class in any Statutory Instrument revoking and re-enacting that Order with or without modification).

Reason: To define the permission.

- 2) The use shall not be carried out outside the following hours:
 - Mondays – Thursdays 07:00 hours – Noon and 16:00 hours – 21:00 hours;
 - Fridays 07:00 hours – Noon and 16:00 hours – 19.00 hours;
 - Saturdays 08:00 hours – 10:00 hours;and at no time on Sundays or Public Holidays.

Reason: To ensure that the development hereby permitted does not have a detrimental impact on parking provision. (Policy PLA11 of the LDP)

- 3) Group classes shall be limited to a maximum of 10 clients at any one time and shall only take place between 18:00 and 21:00 Mondays to Thursdays, between 18:00 and 19:00 on Fridays and between 08:00 and 10:00 on Saturdays, and at no other time. Personal training sessions shall be limited to 1 client per session at any one time.

Reason: To ensure that the development hereby permitted does not have a detrimental impact on parking provision. (Policy PLA11 of the LDP)

Penderfyniad ar yr Apêl

Ymweliad â safle a wnaed ar 27/07/20

gan Richard E. Jenkins BA (Hons) MSc
MRTPI

Arolygydd a benodir gan Weinidogion Cymru

Dyddiad: 11.09.2020

Appeal Decision

Site visit made on 27/07/20

by Richard E. Jenkins BA (Hons) MSc
MRTPI

an Inspector appointed by the Welsh Ministers

Date: 11.09.2020

Appeal Ref: APP/F6915/A/20/3253178

Site address: 31 Felindre Road, Pencoed, Bridgend, CF35 5PB

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 Steve John against the decision of Bridgend County Borough Council.
- The application Ref: P/19/130/OUT, dated 26 February 2019, was refused by notice dated 3 February 2020.
- The development proposed is the erection of 1No. single storey dwelling (bungalow).

Decision

1. The appeal is dismissed.

Procedural Matters

2. The application was submitted in outline, with all matters reserved for subsequent determination. There is sufficient information to be determined on this basis.
3. During the processing of the application, the scheme was amended. The Council determined the application on the basis of the amended scheme and, for the avoidance of any doubt, I shall consider the appeal on the same basis.
4. The Council has provided a rebuttal to a costs application at Appendix A of its Appeal Statement. However, Section J of the Appeal Form indicates that an award of costs is not sought and I have not seen anything in the appellant's evidence to contradict this. No further action shall therefore be taken in respect of this matter.

Main Issue

5. This is whether the development is acceptable in principle, having particular regard to its siting within an area identified as at risk of flooding.

Reasons

6. The appeal proposal seeks outline planning permission to erect a single storey dwelling within the curtilage of an existing residential property at No. 31 Felindre Road in Pencoed. The site lies within the C2 Flood Zone, as defined by the Development Advice Maps associated with Technical Advice Note 15: *Development and Flood Risk* (2004) (TAN15). Residential development such as that proposed in this case is defined as '*highly vulnerable development*' for the purposes of that document.

7. Paragraph 6.2 of TAN15 states that new development should be directed away from Zone C and towards suitable land in Zone A, otherwise to Zone B, where river or coastal flooding would be less of an issue. It also goes on to state that, in Zone C, the tests outlined in sections 6 and 7 of the TAN will be applied, recognising however, that highly vulnerable development in Zone C2 should not be permitted.
8. Despite TAN15 being clear that compliance with Sections 6 and 7 do not justify highly vulnerable development in Zone C2, the appellant has submitted a Flood Consequence Assessment (FCA) in an attempt to demonstrate that the consequences of a flooding event would be acceptable. In the interest of completeness, I have considered the content of the FCA and the representations submitted in respect of that document. In this respect, it is clear from the Notice of Decision that the Council considers there to be insufficient evidence to demonstrate that the risks and consequences of a flooding event could be acceptably managed. Consistent with this position, Natural Resources Wales (NRW) has also advised that the FCA fails to demonstrate that the risks and consequences of flooding could be managed to an appropriate level in line with TAN15.
9. Concerns have been raised that the FCA has not assessed whether the hydrological data used in the model is still accurate given its age and it has been noted that there has not been any detailed consideration of the implications of climate change. Furthermore, there is limited evidence in respect of whether the development would result in an increased risk of flooding elsewhere. I therefore share the Council and NRW's concerns in respect of the FCA and find that, notwithstanding the in-principle policy objection, the proposal conflicts with the technical advice set out in TAN15. I note the fact that the development could incorporate flood resilient design and be subject of a flood management plan. However, an over-reliance on such measures to justify the development would clearly run counter to the general thrust of national policy set out in both Planning Policy Wales (Edition 10, 2018) and TAN15.
10. I therefore find that, as a form of highly vulnerable development in a C2 Flood Zone, the development would conflict with a fundamental principle of national policy. It would also conflict with the thrust of Policy SP2 of the adopted Bridgend Local Development Plan (2013) (LDP). The consequences of development have not been found to be acceptable and neither have I seen anything to indicate that the concerns would be outweighed by the positive benefits of the scheme, including the contribution that the development would make to the housing land supply. I therefore find that the development would be unacceptable in principle. For this reason, and having considered all matters raised, I conclude that the appeal should be dismissed.
11. In coming to this conclusion, I have considered the duty to improve the economic, social, environmental and cultural well-being of Wales, in accordance with the sustainable development principle, under section 3 of the Well-Being of Future Generations (Wales) Act 2015 (WBFG Act). I have taken into account the ways of working set out at section 5 of the WBFG Act and consider that this decision is in accordance with the sustainable development principle through its contribution towards one or more of the Welsh Ministers well-being objectives, as required by section 8 of the WBFG Act.

Richard E. Jenkins

INSPECTOR



Penderfyniad ar yr Apêl

Ymweliad â safle a wnaed ar 01/09/20

gan Richard Duggan BSc (Hons)
DipTP MRTPI

Arolygydd a benodir gan Weinidogion Cymru

Dyddiad: 21.09.2020

Appeal Decision

Site visit made on 01/09/20

by Richard Duggan BSc (Hons) DipTP
MRTPI

an Inspector appointed by the Welsh Ministers

Date: 21.09.2020

Appeal Ref: APP/F6915/A/20/3253366

Site address: Former BT Repeater Station, Island Farm Road, Bridgend CF31 3LG

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 Phillip Anthony Bethel against the decision of Bridgend County Borough Council.
 - The application Ref P/19/219/OUT, dated 22 March 2019, was refused by notice dated 30 December 2019.
 - The development proposed is the erection of two detached dwellings.
-

Decision

1. The appeal is dismissed.

Procedural Matters

2. The application was submitted in outline with all matters, except access and layout, reserved for later determination. Although the majority of details are reserved for subsequent approval the submission included details of the access, internal road arrangement and the siting of the residential units. The Appellant has also provided the scale parameters for the proposed dwellings as follows; Lower: width 10 metres, length 12 metres, height 8 metres; Upper: width 13 metres, length 14 metres, height 10 metres. The Council had regard to these details in its determination of the outline application and I have taken them into account in my consideration of the appeal.

Main Issues

3. The main issues are the impact of the development on the safety of highway users and on nature conservation interests; and whether the development would provide acceptable living conditions for the future occupiers of the dwelling with particular regard to noise and disturbance.

Reasons

Highway Safety

4. The plans show a development consisting of two dwellings with access taken centrally within the frontage of the site. The access proposes to restrict any right hand
-

(easterly) manoeuvres out of the site meaning that all vehicles would leave the appeal site in a westerly direction along the A48. The plans also show the continuation of the existing pavement from Island Farm Road across the frontage of the site and the provision of a lay-by to the east of the access point, which the Appellant states would be used by delivery and refuse vehicles.

5. The A48 is considered part of the Strategic Highway Network through Bridgend County Borough and is the highest category road within the Council's area that it has responsibility for. The Council's evidence indicate that surveys undertaken in 2019 show the morning peak eastbound traffic flows passing the appeal site are up to 1371 vehicles per hour and westbound to be up to 838 per hour; and the afternoon peak figures indicate up to 923 eastbound vehicles per hour and up to 1412 westbound vehicles per hour. Due to the volume of traffic being experienced along the A48 the Council is concerned that a satisfactory means of access cannot be achieved to serve traffic generated by the proposed development and that it will generate additional vehicular turning movements to and from the public highway, creating further traffic hazards to the detriment of highway safety on the A48.
6. Whilst the Appellant's Transport Statement (TS) makes comparisons with the vehicular movements associated with the former BT Repeater Station it does not include any specific data relating to the volume of vehicular movements related to this use. The Appellant also states that the access has been used by the Island Farm Prisoner of War Camp Historical Society over a period of 7 years to conduct talks and display information relating to the adjoining historical Prisoner of War Camp in conjunction with periodic events. However, I have not been provided with any firm evidence which confirms that these visitors use the access and park their vehicles within the site.
7. The TS states that two dwellings would generate 8 - 10 movements per day, with approximately 4 movements during peak times. On the other hand, the Council suggests that it is generally accepted that a residential dwelling generates 8 - 10 trips per day (16 - 20 vehicle movements per day) with two dwellings generating in the order of 32 - 40 movements per day. Even taking the lower vehicular movement figures provided by the Appellant, I consider that the development of two dwellings occupied by families, with the associated comings and goings of family members and visitors, would generate a material increase in the amount of vehicular movements at the appeal site in comparison to its former use by BT and the periodic use of the building by the Historical Society. Therefore, the proposal would result in increased vehicle movements entering and exiting the site and accelerating and decelerating on the heavily trafficked A48 impeding the free flow of traffic, which would be harmful to highway safety.
8. The speed limit passing the appeal site is restricted to a maximum of 50mph which means that the proposed development would require visibility splays of 160m in both directions. The Appellant's TS states that visibility splays of 2.4m x 215m can be achieved in both directions which would be the requirement for a speed limit of 60mph, but the plan submitted with the appeal contradict this as it indicates that the proposal would provide visibility splays of 3m x 120m which would be the required splays on a 40mph highway. There are clear inconsistencies within the Appellant's evidence. Nevertheless, the highways authority accepts that the required vision splays of 160m can be achieved within highway limits given the 3m wide footway fronting the site and the straight approach to the site in both directions.
9. Notwithstanding this, any access to the site would also need to include a right hand holding lane for vehicles entering the site from the east and waiting to turn across

west bound traffic. Without such a facility, vehicles approaching the appeal site from the west would have to reduce speed to a standstill causing traffic travelling behind on this high speed road to brake unexpectedly to the detriment of highway safety. To address this issue, the Appellant proposes to redesign the existing right turn holding lane which passes the appeal site and leads to a central ghost island serving the junction for the Island Farm Road development. The redesigned holding lane would serve both the Island Farm Road junction and the access to the appeal site. However, the Highway Authority's evidence shows that the dimensions of the holding lane shown by the Appellant is substandard in relation to design standards set out in national guidance The Design Manual for Roads and Bridges TD 42/95 Geometric Design of Major/Minor Priority Junctions.

10. Even if the holding lane were to comply with the Design Manual, I share the Highway Authority's concerns that the redesigned holding lane may cause drivers to confuse the two right turn lanes as one extended facility for the Island Farm Road junction. This would lead to vehicles slowing down at different rates along the proposed deceleration lane to enter the two different access points which could result in increased instances of rear shunt type accidents within the holding lane, and could lead to potential knock on impacts with oncoming vehicles travelling in the westbound lane. The Council's evidence indicates that there has already been 2 personal injury accidents recorded on the A48 within 100m of this junction between January 2015 and December 2019, and the concern is that the potential for further accidents and injury would be increased by the proposed redesigned holding lane. In light of the volume and speed of traffic on the road that I observed, I consider that this would pose an unacceptable risk to highway safety.
11. It therefore follows that the development would have an unacceptable and harmful impact on the safety of highway users at odds with Policies SP2 and PLA5 of the Bridgend Local Development Plan (LDP), 2013.
12. The Appellant has raised matters relating to the lawful use of the appeal site, but this is a matter for the Appellant to explore with the Council outside of this appeal process. I have also noted the concerns of the Appellant in relation to the granting of planning permission for a tennis centre on a site close-by and that this has compromised and blighted the development potential of the appeal site. Issues of blight would need to be the subject of a separate process and is not something that I am able to give any weight to in the determination of this appeal.

Noise

13. The main source of noise which would impact upon the living conditions of the future occupiers of the proposed residential development is road traffic noise from vehicles on the A48. Whilst I appreciate that it only represents a snapshot in time, during my site visit between 11am – 12.15pm I saw very high volumes of traffic passing the site and the ambient noise levels within the site was very high as a result of noise from engines and vehicle tires on the road surface.
14. Notwithstanding that there is residential development close-by within Island Farm Road and Island Farm Close, as a result of the ambient noise generated by the passing traffic, it struck me as an unsuitable environment for residential development, given the likelihood of recurrent disturbance to occupants from the passing vehicles throughout the day and into the night time hours. As such, a noise survey or an appropriate noise assessment would need to be carried out prior to the granting of planning permission to ascertain the level of noise emanating from the road and how this would impact on future residents.

15. The Appellant has not submitted any noise assessment with this appeal. Therefore, I am not satisfied from the limited evidence produced that through detailed siting, house design and other measures, the impact from road traffic noise could be suitably mitigated to ensure acceptable living conditions both internally and externally. I am unconvinced that a development in the format shown on the submitted plans would be acceptable without having the necessary noise assessments at this stage, although this is not to say that a satisfactory and imaginative scheme would necessarily be unachievable. Nevertheless, the detailing that could be acceptable in terms of providing adequate internal and external acoustic protection, as well as good design, would prove very challenging in light of the noise environment created by the adjacent road.
16. Having regard to the ambient noise levels that I experienced on my site visit and on the basis of the lack of noise evidence provided by the Appellant, I find that it is not possible for me to properly assess whether the development would provide acceptable living conditions for the future occupiers of the dwellings with particular regard to noise and disturbance. Therefore, the proposal conflicts with Policy PS2 of the LDP which requires developments to avoid or minimise noise.

Ecology

17. The western boundary of the appeal site adjoins the former Island Farm Prisoner of War Camp which is designated as a Site of Importance for Nature Conservation (SINC) which provides a habitat for a number of European Protected Species, including the dormouse and a number of bat species. Although the Council recognises that the development does not directly affect the SINC, the mature trees found along the boundaries of the site are likely to provide a green corridor used by these protected species.
18. Although the landscaping of the site is a matter reserved for later determination, the layout plans do not indicate that the significant number of trees located along the boundaries of the site, especially the western boundary close to the SINC, would be retained. Indeed, it is likely that the majority of the trees along the frontage of the site would need to be cleared to make way for the proposed access and visibility splays. The Appellant's grounds of appeal is silent on the matter of ecology and no further evidence in the form of tree surveys or ecological assessments have been submitted with the appeal.
19. Dormice and all species of bat and their roosts are protected under the Wildlife and Countryside Act 1981 (as amended) and the Conservation of Habitats and Species Regulations 2010 (as amended). Paragraph 6.2.2 of Planning Policy Wales Technical Advice Note (TAN) 5 'Nature Conservation and Planning' indicates that any survey work that is required should be carried out before planning permission is granted where there is a reasonable likelihood of a protected species being present and affected, otherwise all relevant material planning considerations may not have been addressed in making the decision. TAN5 advises that planning permission should not be granted subject to a condition requiring a survey to be carried out.
20. In the absence of any ecological assessment of the trees and on the basis of the very limited information before me, I find that there is insufficient evidence available to establish the potential impact of the scheme on biodiversity and ecology. Mindful of the relevant national policy advice on protected species in TAN5, this is a matter that requires to be understood before planning permission is granted, rather than being addressed by planning condition.

21. I find that the circumstances of this case justifies a precautionary approach, in order to avoid potentially harmful impact on protected species which would conflict with Policies SP2, ENV4 and ENV6 of the LDP.

Other matters

22. The Council's final reason for refusing the planning application relates to drainage. Schedule 3 to the Flood and Water Management Act 2010 makes the provision of Sustainable Drainage Systems (SuDS) a mandatory requirement for all new developments, and from 7 January 2019, the majority of new developments will require SuDS approval. SuDS Schemes must be approved by the local authority acting in its SuDS Approval Body role (SAB) before construction work begins. From the evidence before me it would appear that the scheme would require SAB Consent, however, it would not be appropriate for me to duplicate controls that are secured by other legislation. Matters relating to providing a sustainable drainage system are controlled under other statutory provisions and I am satisfied that these other provisions can deal with these issues.

Conclusions

23. Having regard to the above and considered all other matters raised, I conclude that the appeal should be dismissed.

24. 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 building healthier communities and better environments.

Richard Duggan

INSPECTOR



Penderfyniad ar yr Apêl

Ymweliad â safle a wnaed ar 11/08/20

gan H C Davies BA (Hons) Dip UP
MRTPI

Arolygydd a benodir gan Weinidogion Cymru

Dyddiad: 16.09.2020

Appeal Decision

Site visit made on 11/08/20

by H C Davies BA (Hons) Dip UP MRTPI

an Inspector appointed by the Welsh Ministers

Date: 16.09.2020

Appeal Ref: APP/F6915/D/20/3256506

Site address: 20 Upper Street, Maesteg CF34 9DU

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 Robert Rawles against the decision of Bridgend County Borough Council.
- The application Ref P/20/327/FUL, dated 10 April 2020, was refused by notice dated 9 July 2020.
- The development proposed is single storey extension to rear of property.

Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposed development on the living conditions of the occupiers of 21 Upper Street.

Reasons

3. The appeal property is a mid-terrace dwelling, which has an existing single storey rear projection, approximately 4.9 metres deep, on or very close to the common boundary with No.21. The proposal would involve extending the existing extension further along the garden boundary, resulting in a single storey addition, approximately 10 metres in depth.
4. No.21's garden is located broadly north of the proposed development, and the ground floor rear facing windows of this property are obscured glazed relating to non-habitable rooms. As such, the siting and orientation of the proposal would not cause any substantive loss of sunlight for the occupiers of that dwelling. Furthermore, the proposed development would not appear over large given it lies within a long rear garden. However, whilst the ridge of the extension would be set back from the boundary, because of its length and height, and due to its position on slightly higher ground, it would significantly increase the expanse of built form visible from the rear garden of No.21. This would give rise to an overwhelmingly dominant and overbearing visual effect that would materially reduce the level of outlook from the garden.

Consequently, the proposal would have an adverse impact on the ability of the occupiers of No.21 to enjoy their outdoor amenity space.

5. My attention has been drawn to the rear extension at No.19. However, the proposal before me consists of a rear extension which would be considerably longer and result in a development of significantly greater mass, which is reflected in the harm that I have described.
6. Based on the above, I conclude that there would be harm to the living conditions of the occupants of No.21, due to the overbearing impact of the proposal. This would be contrary to Policy SP2 of the Bridgend Local Development Plan (2013) and the adopted Supplementary Planning Guidance 02: Householder Development which amongst other things seek to ensure that development does not adversely affect the amenity of neighbouring uses and their occupiers

Conclusion

7. I have had full regard to the personal circumstances that have led to the need for the development. However, this must be balanced with the environmental impacts that a development can have, and in this case would not outweigh the identified harm.
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. For the reasons given above, the appeal is dismissed.

H C Davies

INSPECTOR



Penderfyniad ar yr Apêl

Ymweliad â safle a wnaed ar 08/09/20

gan Paul Selby BEng (Hons) MSc
MRTPI

Arolygydd a benodir gan Weinidogion Cymru

Dyddiad: 28.09.2020

Appeal Decision

Site visit made on 08/09/20

by Paul Selby BEng (Hons) MSc MRTPI

an Inspector appointed by the Welsh Ministers

Date: 28.09.2020

Appeal Ref: APP/F6915/D/20/3257637

Site address: 45 West Drive, Porthcawl CF36 3HS

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 M Rossini against the decision of Bridgend County Borough Council.
- The application Ref P/20/49/FUL, dated 15 January 2020, was refused by notice dated 2 April 2020.
- The development proposed is Demolish existing gable end wall and construct new side extension with new loft conversion forming new first floor accommodation.

Decision

1. The appeal is dismissed.

Main Issue

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

Reasons

3. The appeal relates to a semi-detached, single storey dwelling which faces towards an area of common land on the Porthcawl seafront. The property is set back from its private access lane by a front garden of considerable depth, the front boundary of which is marked by a stone wall and evergreen foliage.
4. Other detached and semi-detached dwellings lie to either side and to the appeal site's rear. These properties vary in style and scale, with little consistency in the front building lines of structures facing onto the common. Many proximate dwellings appear to have been modified in various ways, including those immediately to the rear of the appeal site. Nonetheless, gabled and hipped roofs near to shared property boundaries are a prevalent local feature. This breaks up the roofline and mass of the built form and contributes positively to the character and appearance of the area.
5. Despite being set behind its front garden on the landward side of the common, the appeal dwelling is prominently situated and readily visible from several public areas along the seafront. In such views it is appreciated as part of a semi-detached pair with its neighbour, 'Sancreed'. The appeal property has been modernised in various ways and the two attached properties are not identical. Nonetheless, they have a

recognisably consistent form, with matching front gables topped with finials and ornamented chimneys marking the roof terminations.

6. The appeal scheme would wholly modify the property's front elevation. The existing front bay would be retained but extended forward by over half a metre. The ridge of the main roof would be raised to accommodate a gabled dormer of similar appearance to the modified bay. A side extension would increase the dwelling's width by over 2 metres, with an entrance canopy projecting beyond the front elevation.
7. The design of the proposal clearly takes its cue from the appeal dwelling's existing form. The depressed floor level of the extension would assist in reducing the visual impact of the proposal's increased height, which would not be obvious in longer range views. Modernised dwellings, including modified first floor gables and Juliet balconies, are prevalent along the Porthcawl seafront. Given this context, I do not consider that the removal of original decorative features would, in itself, be harmful.
8. Nonetheless, in closer range views, the increased width, height and mass of the proposal would wholly obscure the remaining visual symmetry in the front elevations of the semi-detached pair. In comparison to the understated form of its neighbour, the appeal dwelling's dual gables and extended front roof slope would appear ungainly; an effect which would be reinforced by the extended projecting front building line and canopy. Furthermore, the pitched form of the side extension's roof would substantially reduce the apparent gap between the appeal dwelling and No 46; a positive attribute which assists in fragmenting the urban form. Given the prominence of the appeal site these adverse facets of the proposal's design would be readily experienced from nearby public viewpoints, harming the character and appearance of the area.
9. I acknowledge that the Council previously granted planning permission for a glazed gabled side extension which occupied the full width of the side driveway. I am not aware of any material changes to local planning policies or guidance since the previous proposal was granted planning permission in 2014. Nonetheless, the appeal proposal differs materially from the previously permitted scheme. Whilst I accept that the previous permission would have taken the property to the shared boundary with No 46, and would have also eroded the symmetry of the semi-detached pair, the appeal proposal's elevated roof ridge, projecting front building line and pitched roof termination are adverse design features which are not shared with the previous scheme. In any case, that planning permission has now elapsed and does not constitute a fallback position. I afford this previous permission limited weight.
10. My attention has also been drawn to roof alterations to 46a West Drive. Whilst I accept that this roof form features prominently in nearby views, its presence does not justify the identified harm. Nor is the roof so incongruous that any screening achieved by the appeal scheme could carry weight as a benefit.
11. I recognise the appellant's desire to extend the property for future family accommodation needs. I also acknowledge that the appeal site constitutes previously developed land. These matters do not, however, outweigh the identified harm. For the above reasons I conclude that the proposal would not accord with the objective of policy SP2 of the Bridgend Local Development Plan for development proposals to have a design of the highest quality possible, whilst respecting and enhancing local character and distinctiveness and landscape character, and being of an appropriate scale, size and prominence. For the same reasons the proposal would also run counter to the general aims of the Council's 'Householder Development' Supplementary Planning Guidance.

Conclusion

12. I note the other matters raised in representations, but as I am dismissing the appeal in relation to the main issue, I have not considered these matters further.
13. For the reasons given above I conclude that the appeal should be dismissed. In reaching this decision, I have taken account 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 building healthier communities and better environments.

Paul Selby

INSPECTOR



Penderfyniad ar yr Apêl

Ymweliad â safle a wnaed ar 08/09/20

gan Paul Selby BEng (Hons) MSc
MRTPI

Arolygydd a benodir gan Weinidogion Cymru
Dyddiad: 29.09.2020

Appeal Decision

Site visit made on 08/09/20

by Paul Selby BEng (Hons) MSc MRTPI

an Inspector appointed by the Welsh Ministers
Date: 29.09.2020

Appeal Ref: APP/F6915/A/20/3257420

Site address: 20 Bridgend Road, Newton, Porthcawl CF36 5RN

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 David Hales against the decision of Bridgend County Borough Council.
- The application Ref P/20/297/FUL, dated 22 April 2020, was refused by notice dated 9 July 2020.
- The development proposed is "Construct a single garage".

Decision

1. The appeal is allowed and planning permission is granted for 'Construct a single garage' at 20 Bridgend Road, Newton, Porthcawl CF36 5RN, in accordance with the terms of the application, Ref P/20/297/FUL, dated 22 April 2020, 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 drawings: JB-DH-001 Rev A Sheet 1 (Plans); JB-DH-001 Rev A Sheet 2 (Elevations and Cross Section).
Reason: To ensure that the development is carried out in accordance with the approved documents, plans and drawings submitted with 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 character and appearance of the area as per policy SP2 of the Bridgend Local Development Plan.

Procedural Matters

2. Notwithstanding the description given on the application form, I have adapted the description of development from that given on the Decision Notice, which is more succinct and accurate.

3. For the avoidance of doubt, I have determined the appeal with regard to the drawings submitted with planning application ref: P/20/297/FUL, which show the proposed garage with a roller shutter opening.

Main Issue

4. This is the effect of the proposal on the character and appearance of the area and the setting of the Newton Conservation Area (CA).

Reasons

5. The appeal site accommodates a two-storey, detached residential property with an integral garage at ground level. The dwelling is offset towards the southwest boundary of the plot and is separated from the footway by a paved driveway spanning the property's width. A stone wall of notable height wraps around the northeast corner of the site. The front boundary is marked by part of this stone wall, as well as a lower brick wall topped with railings, and a vehicular access.
6. Bridgend Road, on which the site is situated, has an established residential character. There is, however, little consistency to the appearance of dwellings in the immediate vicinity. Despite being set back a similar distance from the roadway, the appeal dwelling's detached form and wide plot contrasts markedly with the neighbouring semi-detached properties. The nearby projecting flank wall of the corner property on Heol-y-Graig further reinforces the immediate area's character as one which has evolved over an extended period.
7. The proposed garage would sit wholly to the fore of the dwelling's front elevation. Despite being partially screened by the stone boundary wall, the garage's roadside and front elevations and its northwest roof plane would be visible from several places on Bridgend Road. Nonetheless, as the garage would be offset to the northeast of the site, the dwelling's front elevation would remain well exposed to the public realm. Whilst the ridge of the garage would project above the stone wall, the pitched roof would mitigate its bulk from Bridgend Road, and it would be read as an ancillary structure clearly subsidiary in scale to the dwelling.
8. The Council's 'Householder Development' Supplementary Planning Guidance ('SPG') says, amongst other things, that garages should not normally be in front of a house. Whilst I recognise that garages to the front of dwellings are not a feature of the immediate area, nor do many nearby properties incorporate high stone walls at their frontage, a distinguishing characteristic of the appeal site. This stone wall positively defines part of the front boundary, but the void behind it is a somewhat awkward and poorly defined space. The proposed garage would resolve this by fully enclosing the side garden from the public realm. The garage's front elevation, perpendicular to that of the dwelling's, would reinforce the area of defensible space provided to the front of the house. As the garage's form and materials would take their cue from the existing dwelling, the two structures would be read as a holistic and legible ensemble. Consequently, given the specific site circumstances and the varied form and siting of dwellings on the south side of Bridgend Road, despite the advice provided in the SPG I do not find that the appeal building would appear incongruous or harmfully prominent.
9. I note from the submitted documentation that the Newton CA lies to the south of the appeal site. As the primary visual impact of the proposal would be on Bridgend Road, which lies outside the CA, any effects on the setting of the CA would be negligible. I therefore conclude that the proposal would not cause harm to the character and appearance of the area or the setting of the Newton CA. It would thus accord with the objective of policy SP2 Bridgend Local Development Plan (LDP) for development

proposals to have a design of the highest quality possible, whilst respecting and enhancing local character and distinctiveness and landscape character, and being of an appropriate scale, size and prominence. It would also accord with LDP policy SP5, which seeks to ensure that proposals conserve, preserve, or enhance the built and historic environment, and with the overall objectives of the Council's SPG.

Other Matters and Conclusion

10. I have considered the other matters raised in representations. The garage would occupy an existing part of the driveway and would have limited impacts on traffic movements or parking. Irrespective of any preparatory works undertaken on the site, or the presence of an existing integral garage, I must consider the proposal based on its individual merits. It has been alleged that the garage would be used for commercial purposes, but that is not what has been applied for and any material change of use would require separate planning permission. I afford these matters limited weight.
11. For the reasons given above, I conclude that the appeal should be allowed. 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 building healthier communities and better environments.

Paul Selby

INSPECTOR