

## **APPEALS**

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

**CODE NO.** A/21/3268705 (1914)  
**APPLICATION NO.** P/20/600/TPN

**APPELLANT** Hutchison 3G UK LTD

**SUBJECT OF APPEAL** PRIOR NOTIFICATION FOR PROPOSED TELECOMMUNICATIONS INSTALLATION: 20.0M PHASE 8 MONOPOLE CW WRAPAROUND CABINET AT BASE AND ASSOCIATED ANCILLARY WORKS: A4063 ST BRIDES MINOR (NEXT TO LAYBY), SARN

**PROCEDURE** WRITTEN REPRESENTATIONS

**DECISION LEVEL** DELEGATED OFFICER

The application was refused for the following reasons:

1. The proposed development will create traffic hazards to the detriment of the safety and free flow of traffic on Route A4063.
2. The proposed development will generate additional vehicular turning movements to and from the public highway, to the detriment of highway safety.

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**CODE NO.** A/21/3270088 (1915)  
**APPLICATION NO.** P/20/382/OUT

**APPELLANT** MR K SYLVESTER

**SUBJECT OF APPEAL** ONE BEDROOM DETACHED BUNGALOW WITH 1 OFF ROAD PARKING SPACE: 10 TONTEG, PENCOED

**PROCEDURE** WRITTEN REPRESENTATION

**DECISION LEVEL** DELEGATED OFFICER

The application was refused for the following reason:

1. The proposal, by reason of its siting, layout and design, represents over-development as the site is too restricted to accommodate a dwelling consistent with generally accepted standards of space about new residential development and is of insufficient size to permit the dwelling to be sited so as to safeguard the privacy and amenities of future occupiers of the proposed development contrary to Policy SP2 of the Bridgend Local Development Plan and advice contained in Planning Policy Wales (Edition 10 - December, 2018).

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

**CODE NO.** H/20/3265107 (1912)  
**APPLICATION NO.** A/20/11/ADV

**APPELLANT** MR G JENKINS

**SUBJECT OF APPEAL** DIGITAL ROTATING SCREEN TO SHOW MULTIPLE ADVERTS  
LOCATED ON SIDE OF 91 NOLTON STREET STREET, 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 A**

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**CODE NO.** D/21/3268724 (1913)  
**APPLICATION NO.** P/20/100/FUL

**APPELLANT** MR A HILL

**SUBJECT OF APPEAL** FRONT & REAR EXTENSIONS, REMOVAL OF PITCHED ROOF &  
REPLACEMENT WITH FLAT ROOFED SECOND FLOOR  
ACCOMMODATION:  
WOODCLIFFE, RHYCH AVENUE, 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 B**

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**RECOMMENDATION**

That the report of the Corporate Director Communities be noted.

**Janine Nightingale**  
**CORPORATE DIRECTOR COMMUNITIES**

**Background Papers** (see application reference number)



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## Penderfyniad ar yr Apêl

Ymweliad â safle a wnaed ar 16/02/21

gan Vicki Hirst, BA (Hons) PG Dip TP  
MA MRTPI

Swyddog a benodir gan Weinidogion Cymru

Dyddiad: 12/3/21

## Appeal Decision

Site visit made on 16/02/21

by Vicki Hirst, BA (Hons) PG Dip TP MA  
MRTPI

An Inspector appointed by the Welsh  
Ministers

Date: 12<sup>th</sup> March 2021

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**Appeal Ref: APP/F6915/H/20/3265107**

**Site address: 91 Nolton Street, Bridgend, CF31 3AE**

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

- The appeal is made under Regulation 15 of the Town and Country Planning (Control of Advertisements) Regulations 1992 against a refusal to grant express consent.
  - The appeal is made by Mr Gregory Jenkins against the decision of Bridgend County Borough Council.
  - The application Ref: A20/11/ADV dated 11 March 2020, was refused by notice dated 17 July 2020.
  - The advertisement proposed is a digital rotating screen to show multiple adverts.
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### Decision

1. The appeal is dismissed.

### Main Issue

2. The main issue is the effect of the proposed advertisement on public safety with regard to highway safety.

### Reasons

3. The appeal site comprises No. 91 Nolton Street which is an end of terrace property. It is located on the northern side of the junction of Nolton Street, Cowbridge Road, Ewenny Road and Langenau Strasse. I noted on my site visit that a static advertisement panel is displayed on the gable end of the appeal site.
  4. The proposal would replace the existing advertisement with a digital screen advertisement that would display a range of static adverts on rotation every 10 seconds. The advertisement would be constructed of aluminium with static LED illumination.
  5. The Council has not raised any concerns with regard to the effect of the proposed advertisement on the visual amenities of the area and given the existence of an existing advertisement of a similar size in the same location I have no reason to disagree.
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6. The Council's concern lies with the effect of the rotation of the advertisements on highway safety close to the road junction.
7. The Welsh Government's Technical Advice Note 7 "Outdoor Advertisement Control" (TAN 7) states that in assessing an advertisement's impact upon public safety regard should be had to the safe use and operation of any form of traffic. This includes the likely behaviour of vehicle drivers who will see the advertisement.
8. No traffic assessment has been provided, however I observed on my site visit that the junction serves several routes that carry considerable amounts of traffic. Multiple vehicular and pedestrian movements are controlled at the junction by traffic lights.
9. Whilst I note the appellant's comments in respect of the seamless transition between the individual images, there is a lack of large scale rotating advertisements in the vicinity. As such I find such an advertisement would come as a surprise to drivers. Although the sign would be situated at the eye level of drivers of oncoming traffic, the flank wall of 91 Nolton Street is situated adjacent to the complex junction at a slightly oblique angle to the various roads' alignment. In my assessment the changing display every 10 seconds would provide a momentary distraction to drivers when approaching the junction. Given the sign's proximity to the junction but to the side of it, such a distraction would draw driver's attention away from the highway at a critical moment when approaching the complex and busy junction. This in turn would result in associated risks to others using the highway, including pedestrians.
10. I note the appellant's intention to restrict what can be advertised to reduce any extended time looking at the advertisement. However, the content of the individual advertisements is not able to be controlled through an application for advertisement consent. In any event I do not find this would overcome the above concerns in respect of the changing display.
11. I note the appellant's contention that there is no documented correlation between digital billboards and traffic/pedestrian accidents although he acknowledges that various studies raise issues with the transition of images and the amount of time that a person may be distracted. The Council has referred me to a report "The safety effects of (digital) roadside advertising: an overview of the literature" produced by the CEDR Transnational Road Research Programme. This report concludes that those drivers that do look at billboards will look more often and longer at digital billboards and in particular at the moment that the advert switches. Whilst they rarely look longer than two seconds they sometimes do, and this is found to be of concern as there is evidence that long glances at objects outside the vehicle increases the crash risk significantly.
12. The report considers generic issues and is not in itself conclusive evidence that the proposal before me would cause a risk to highway safety. However, given my findings above regarding the particular characteristics of the junction combined with the conclusions in the report, I conclude that the potential distraction caused by the proposed advertisement would give rise to an unacceptable risk to highway safety and would not be in accord with TAN 7.
13. I note the concerns relating to the potential impact of the advertisement on the occupants of 9 Cowbridge Road as a result of noise and light pollution. Given the location of the site close to a busy road junction with associated street lighting and the orientation of the advertisement to No. 9 I am satisfied that the proposal would not cause any harm to the living conditions of the occupants of that property.

14. The Council included policy SP2 of the Bridgend Local Development Plan (the LDP) in its decision notice and I have taken it into account as a material consideration. However, the powers under the Regulations to control advertisements may be exercised only in the interests of amenity and public safety, taking account of any material factors. In determining the appeal, the Council's policy has not, by itself been decisive.

### **Conclusion**

15. I have taken into account all other matters raised, including the contended lack of collisions at the junction, the video footage of a similar sign in Cardiff and the alleged benefits to local businesses arising from the advertisements. However, each proposal must be made on its individual merits with regard to the particular context and circumstances. In this case, I find the risk to highway safety to be compelling and no matters outweigh the harm that I have identified. For the reasons above I dismiss the appeal.

16. 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 one or more of the Welsh Minister's well-being objectives as required by section 8 of the WBFG Act.

*VK Hirst*

INSPECTOR



## Penderfyniad ar yr Apêl

Ymweliad â safle a wnaed ar 08/03/21

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

Arolygydd a benodir gan Weinidogion Cymru

Dyddiad: 7/4/21

## Appeal Decision

Site visit made on 08/03/21

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

an Inspector appointed by the Welsh Ministers

Date: 7<sup>th</sup> April 2021

**Appeal Ref: APP/F6915/D/21/3268724**

**Site address: Woodcliffe, Rhych Avenue, Newton, Porthcawl, CF36 5DB**

**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 Alex Hill against the decision of Bridgend County Borough Council.
- The application Ref: P/20/100/FUL dated 28 January 2020, was refused by notice dated 20 January 2021.
- The development proposed is front and rear extensions, removal of pitched roof and replacement with flat roofed second floor accommodation.

### Decision

1. The appeal is dismissed.

### Procedural Matters

2. I have taken the description of development from the Council's Notice of Decision as it represents a more concise and accurate description than those outlined on the application and appeal forms. The appellant has no objection to the appeal being determined on this basis and I am satisfied that there is no prejudice in this respect.
3. Amended plans were submitted to the Council through the planning application process. Nevertheless, the Council has confirmed which plans formed the basis of its determination and, as the right of appeal relates to the decision made by the Council, I am bound to determine the appeal on the same basis. I shall consider the appeal accordingly.

### Main Issues

4. These are the effect of the proposed development on: the character and appearance of the area; and the living conditions of the occupiers of neighbouring residential properties, having particular reference to outlook and levels of light at Swn-yr-Don.

### Reasons

5. The appeal relates to a site currently occupied by a dilapidated, vacant, two and a half storey pitched roof residential property known as Woodcliffe which is located off Rhych Avenue in Porthcawl. The property forms part of an isolated cluster of dwellings that front the Wales coastal path. The property is located within close proximity to the adjacent residential dwelling known as Swn-yr-Don, with Trecco Bay Holiday Caravan

Park located a short distance to the east and a Lifeguard Station located beyond Swn-yr-Don to the west.

6. The appeal proposal seeks planning permission to substantially reconfigure the existing dwelling, adding a front and rear extension, whilst also replacing the original pitched roof with a flat roof structure that would provide living accommodation at second floor level. The resulting three storey dwelling would be finished in natural stone cladding, white render and zinc cladding on the second floor, with aluminium framed doors and windows. The contemporary structure would incorporate three raised balcony areas, one to the rear of the second floor, one to the front elevation of the second floor that would be inset into the roof of the building and one to the front elevation of the first floor.

### ***Character and Appearance***

7. The Council contends that, by reason of its design, scale and materials, the dwelling would represent an excessive, incongruous and overly prominent form of development that would have a detrimental impact on the immediate context of the site and be out of keeping with the character and appearance of its coastal location. Specifically, the Council has indicated a preference for a pitched roof design and the use of more traditional materials.
8. Nevertheless, having regard to the relatively isolated nature of the cluster of dwellings within which the appeal site lies, as well as the wider context set by a number of utilitarian structures, including those that form part of the prominent Trecco Bay Holiday Caravan Park and the nearby Lifeguard Station, I am satisfied that a dwelling of contemporary design could be assimilated into the immediate and wider environs without any material harm to the character and appearance of the area. I do not, therefore, find any material conflict with Policy SP2 (2) and (3): *Design and Sustainable Place Making* of the adopted Local Development Plan (Adopted 2013) (LDP), or the Council's Supplementary Planning Guidance (SPG) Note 02: *Householder Development* (2008), in respect of such matters.

### ***Living Conditions***

9. I was able to confirm at the time of my site inspection the close relationship between the appeal property and the adjacent Swn-yr-Don. In particular, I was able to appreciate the fact that the proposed three storey property would be located within such close proximity to the eastern elevation of Swn-yr-Don which incorporates a number of windows. Indeed, by reason of its siting and overall scale, I concur with the Council's assessment that the proposed development would cause significant overbearing and overshadowing impacts on the occupiers of Swn-yr-Don.
10. I note the fact that the maximum height of the proposed dwelling would be lower than the ridge height of the original property. I also note that some overbearing and overshadowing impacts would have existed at Swn-yr-Don as a result of the original design. However, there is no doubt in my mind that, by reason of its scale, form and overall design, the proposal would substantially increase the massing of the property and would thereby materially exacerbate such overbearing and overshadowing impacts. Indeed, the proposed remodelling of the property would result in the loss of the original pitched roof, which sloped away from Swn-yr-Don, and its replacement with a bold and substantial second floor element.
11. I note the fact that the windows in the eastern elevation of Swn-yr-Don serve rooms with secondary window openings. I also note the fact that the loss of light would be limited to particular hours of the day. Nevertheless, I do not consider that such

matters, or indeed the difference in floor levels between the two properties, sufficiently justify or mitigate the overall harm. Indeed, the proposed development would represent a significantly oppressive structure when viewed from the affected rooms of Swn-yr-Don and, in combination with the loss of light at that property, would cause material harm to the living conditions of its occupiers by reason of loss of outlook and natural light.

12. The development would therefore conflict with criterion 12) of Policy SP2 of the adopted LDP which seeks to protect the amenity of neighbouring uses and occupiers. For the same reasons, the development would also conflict with the corresponding elements of the aforementioned SPG document. Such concerns and associated policy conflict amount to a compelling reason why planning permission should be withheld in this instance.

### ***Overall Conclusions***

13. Based on the foregoing analysis, and having considered all matters raised, I conclude that the appeal should be dismissed. 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