

## **APPEALS**

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

<b>CODE NO.</b>	A/21/3271534 (1917)
<b>APPLICATION NO.</b>	P/20/601/FUL
<b>APPELLANT</b>	MRS N EVANS
<b>SUBJECT OF APPEAL</b>	TWO STOREY DWELLING ATTACHED TO EXISTING DWELLING 10 EUSTACE DRIVE, BRYNCETHIN
<b>PROCEDURE</b>	WRITTEN REPRESENTATION
<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.

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

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<b>CODE NO.</b>	D/21/3276567 (1923)
<b>APPLICATION NO.</b>	P/20/997/FUL
<b>APPELLANT</b>	MR CHRIS FRANCOMBE
<b>SUBJECT OF APPEAL</b>	SINGLE STOREY REAR EXTENSION AND DORMER ROOF EXTENSION: 20 HILLSBORO PLACE, PORTHCAWL
<b>PROCEDURE</b>	HOUSEHOLDER
<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 A SPLIT DECISION (PART ALLOWED/PART DISMISSED).

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

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<b>CODE NO.</b>	D/21/3277143 (1924)
<b>APPLICATION NO.</b>	P/21/128/FUL
<b>APPELLANT</b>	MS G ROSSINI
<b>SUBJECT OF APPEAL</b>	RAISE ROOF TO CREATE FIRST FLOOR WITH 3 BEDROOMS, ENSUITE & BATHROOM; SINGLE STOREY REAR EXTENSION WITH BALCONY OVER; CANOPY OVER FRONT DOOR (SIDE): 64 WEST PARK DRIVE, PORTHCAWL
<b>PROCEDURE</b>	HOUSEHOLDER
<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.

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

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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)



## Penderfyniad ar yr Apêl

Ymweliad â safle a wnaed ar 21/06/21

gan R Duggan, BSc (Hons) DipTP  
MRTPI

Arolygydd a benodir gan Weinidogion Cymru

Dyddiad: 19/7/21

## Appeal Decision

Site visit made on 21/06/21

by R Duggan, BSc (Hons) DipTP MRTPI

an Inspector appointed by the Welsh Ministers

Date: 19/7/21

**Appeal Ref: APP/F6915/A/21/3271534**

**Site address: 10 Eustace Drive, Bryncethin, Bridgend, CF32 9PJ**

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

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mrs Nicola Evans against the decision of Bridgend County Borough Council.
- The application Ref: P/20/601/FUL dated 2 October 2020, was refused by notice dated 11 March 2021.
- The development proposed is described as two-storey dwelling attached to existing dwelling.

### Decision

1. The appeal is dismissed.

### Main Issues

2. The main issues are the effect of the development on the character and appearance of the street scene, the living conditions of neighbouring residents and on highway safety.

### Reasons

#### *Character and Appearance*

3. The site lies within the settlement boundary defined by Policy PLA1 of the adopted Bridgend County Borough Council Local Development Plan (LDP), 2013. The LDP supports the principle of development in such areas subject to compliance with other criteria based policies. Policy SP2 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 (criterion 3).
4. The appeal property occupies a corner plot within a residential area containing mainly semi-detached and terraced dwellings which display uniformity in terms of architectural style and spacing. The separation distances and spaces between and to the side of properties are relatively constant and set a regular pattern of built

development which creates a strong uniform layout to the estate. The houses found in the area are characterised by being set back from the road with an established building line and have generally been little altered, thus creating a regular and coherent street scene. The appeal property contributes to that regularity and coherence.

5. The appeal proposal seeks to erect a new two-storey dwelling on land forming part of the side garden of No. 10 Eustace Drive. By building across the open corner plot the development would fill the gap that currently separates the appeal property and the neighbouring garden and carriageway and would erode the openness that is a key attribute of the character of this part of the street. Although the dwelling would be modest in scale, it would reduce the sense of space that exists between No 10 and No. 8 Eustace Drive and would disrupt the uniform qualities of this row of houses, to the detriment of the character and appearance of the street. The narrow width and configuration of the plot would result in the dwelling being situated in very close proximity to the side boundary and would appear squeezed into the space available. I consider that it would be a discordant and contrived feature in the street scene.
6. I saw that the houses in the area have been designed to incorporate hipped roofs and this is the case with the existing pair of semi-detached houses. The proposed gable roof design as well as the introduction of a large dormer window on the rear elevation would be seen as alien features in the area at odds with the prevailing character and design of the other houses in the locality, and would especially unbalance the symmetrical nature of the existing pair of semi-detached houses. Note 14 of Supplementary Planning Guidance Note 02 Householder Development (SPG02) states that "dormer extensions should be sympathetic to the existing house in their shape, position, scale and material". In this case, the proposed dormer is excessive in scale and would not be set down from the ridge or the side elevation of the dwelling and would be seen as a dominant feature in the street scene as a result.
7. It therefore follows that the proposed development would have a harmful impact on the character and appearance of the street scene contrary to Policy SP2 of the LDP and SPG02.

#### *Living Conditions*

8. The proposed dwelling would be located on the side garden/amenity area of the appeal property with the rear elevation being close to and overlooking the rear garden space of No.8 Eustace Drive. Note 6 of SPG02 states that development should respect the privacy of neighbouring houses, and to overcome this problem it is recommended that the minimum distance from the new habitable room window to the boundary should be 10.5 metres. However, in this case the distance between the rear elevation of the proposed dwelling and the boundary would be approximately 6.5metres, significantly below the recommended distance. I am of the view that the height of the proposed dwelling in close proximity to the boundary of the site would result in direct overlooking of the private amenity space of No.8 Eustace Drive. The occupiers of No. 8 would have a significant perception of being overlooked within their garden area and would experience a strong sense of intrusion resulting in an unacceptable increase in actual and perceived loss of privacy, especially from the rear dormer windows.
9. Therefore, the proposed development would have a detrimental impact on the living conditions of neighbouring residents at odds with Policy SP2 of the LDP and SPG02.

### *Highway Safety*

10. Note 9 of SPG02 states that off-street parking should be available to meet the County Borough Council's guidelines for a dwelling of the size after extension and stipulates that the parking requirement for houses equates to 1 space per bedroom, up to a maximum of 3 spaces. Each space must be 4.8m x 2.6m to accommodate a car parking space, unless it is within a garage. Supplementary Planning Guidance Note 17 Parking Standards (SPG17) stipulates that "garages may only be counted as parking spaces if they have clear internal dimensions, as suggested by Manual for Streets, for a single garage of 6m x 3m".
11. The Appellant has provided a layout plan for the site as part of the appeal showing off-street parking provision for 2 vehicles for the existing dwelling and 4 vehicles for the proposed dwelling. However, the parking spaces are not clearly demarcated and are laid out in a haphazard arrangement which would not provide sufficient space for the safe manoeuvring of vehicles in and out of the site and onto the highway. This would have a harmful impact on highway safety contrary to Policy PLA11 of the LDP and SPG02.
12. In addition, the frontage of both dwellings would be dominated by the parking spaces/driveways. I find this would be an incongruous layout that would be in contrast with the majority of other properties in the locality that have front gardens and forecourts enclosed predominantly by walling and hedgerows, and which provide an important sense of space around the dwellings and a visual break between the street and houses.

### *Other Matters*

13. I am conscious that developing this site within the urban area would reduce pressures to develop on greenfield sites, and that the site is located within a sustainable location close to local amenities with good access to public transport to enable access to employment, shopping, recreation and other facilities further afield.
14. The Appellant has also drawn my attention to other developments and argues that a precedent has been established. However, whilst I accept that these developments exist, I have been provided with limited information relating to their planning history. Nevertheless, whatever the background, their existence is not an appropriate justification for permitting the proposed development here. Equally I consider that examples of disharmonious development should not be used to justify further similar proposals. In any event, I have determined this appeal on its own merits having regard to the specific circumstances and context of the case.

### **Conclusions**

15. I conclude that the development would have a harmful impact on the character and appearance of the street scene, the living conditions of neighbouring residents and on highway safety. It would, therefore, conflict with Policies SP2 and PLA11 of the LDP as well as SPG02.
16. Having regard to the above and taken into account all matters raised by the Appellant in support of the proposal, I conclude that the appeal should be dismissed.
17. 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.

*R Duggan*

INSPECTOR



## Penderfyniad ar yr Apêl

Ymweliad â safle a wnaed ar 13/07/21

gan **Melissa Hall, BA (Hons), BTP, MSc, MRTPI**

Arolygydd a benodir gan Weinidogion Cymru

Dyddiad: 28/7/21

## Appeal Decision

Site visit made on 13/07/21

by **Melissa Hall, BA (Hons), BTP, MSc, MRTPI**

an Inspector appointed by the Welsh Ministers

Date: 28/7/21

**Appeal Ref: APP/F6915/D/21/3276567**

**Site address: 20 Hillsboro Place, Porthcawl, CF36 3BH**

**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 Chris Francombe against the decision of Bridgend County Borough Council.
- The application Ref: P/20/997/FUL dated 12 December 2020, was refused by notice dated 31 March 2021.
- The development proposed is a single storey rear extension and dormer roof extension.

### Decision

1. The appeal is dismissed insofar as it relates to the dormer roof extension.
2. The appeal is allowed insofar as it relates to the remainder of the application, and planning permission is granted for the single storey rear extension in accordance with the terms of the application, Ref: P/20/997/FUL dated 12 December 2020 and the plans submitted with it (so far as relevant to that part of the development hereby permitted) subject to the following condition:
  - (i) The development hereby permitted shall be carried out in accordance with the following approved plan: PL01 Rev 2 Existing and Proposed Plans and Elevations.

Reason: To ensure that the development is carried out in accordance with the approved plans and drawings submitted with the application.

### Procedural Matters

3. As I understand it, at the time of the Council's determination of the application, the development had already been constructed for the most part. However, it was evident from my external inspection of the property that its main roof and the dormer have been extensively fire damaged to the extent that tarpaulin has been secured to the roof structure and the charred remains of the dormer's cladding have been removed and placed on the ground.
4. Although the application relates to the single storey extension and rear dormer, it is only the dormer with which the Council takes issue. I see no reason to disagree.

## **Main Issue**

5. This is whether the dormer roof extension preserves or enhances the character or appearance of the Porthcawl Conservation Area ("the CA")<sup>1</sup>.

## **Reasons**

6. The appeal relates to a mid-terrace, two-storey dwelling on the eastern side of Hillsboro Place. The street is mainly residential in character with the terraced properties on one side of the highway facing the rear elevations of commercial properties on the other. Meanwhile, the rear elevation and rear roof plane of the appeal property upon which the development has been constructed faces onto a public car park with open greenspace and the seafront promenade beyond.
7. The site lies on the north eastern boundary of the CA. Other than providing an extract of a Plan showing the boundaries of the CA, the Council's delegated report provides little by way of an explanation of how its special character is affected by the development. Rather the Council refers only to other dormer extensions that have been built into roofs across the Conservation Area which are placed mid-height within the existing roof slope, are proportionate and modest in size and have created a feature rhythm along terraced properties in this area. I have not been provided with any further details of the location and proximity of the dormers to which the Council refers or the particular characteristics of this part of the CA.
8. Based on my observations at my site visit, the significance of this part of the CA lies predominantly in the group identity of the row of terraced dwellings, particularly when viewed from the front elevations with the retention of original features. The regular rhythm of the street is emphasised by the pattern of bay windows, fenestration, front gables and the chimneys. Whilst there have clearly been some unsympathetic alterations, the historic form and features of the front elevations are still legible which results in a degree of uniformity.
9. However, that is less so in terms of the rear elevations where there is a consistent loss of detail in the form of plastic replacement windows and doors as well as additions of varying scale and form, including a upvc roof lantern, a polycarbonate roof and raised terraces / balconies. Hence the rear elevations of this row of terraced properties have, over time, been degraded by loss of traditional detailing, unsympathetic extensions and alterations and the inappropriate use of modern materials. That being said, the main roofs of the terraced properties retain their modest original form for the most part, with interventions taking the form of rooflights and solar panels. Whilst I accept that there is an existing dormer on the rear roof plane of the end terraced property, it is of more modest proportions than that the subject of the appeal. Hence, I do not consider that it detracts from one's understanding of the more simple design of the roof scape overall.
10. The dormer occupies a significant proportion of the rear facing roof plane above an existing two storey flat roof wing. It extends outwards at a height almost equivalent to the ridgeline leaving little of the original roof visible above it. Given its position above the flat roof wing, it extends the boxy, bulky form vertically. Consequently, the rear roof plane is interrupted by a large, flat roof, box-like dormer, appearing neither sympathetic nor subsidiary to the more simple and modest appearance of the existing terraced roofs. The inappropriate use of upvc cladding only draws attention to the excessive size and incompatible nature of the dormer.

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<sup>1</sup> Section 72(1) of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990.

11. It therefore follows that by reason of its size, design and external finishes, the dormer has a poor relationship with the host dwelling insofar as it appears as an intrusive and dominant addition. In this context, and regardless even of its location within a CA, it conflicts with the Council's advice in relation to dormer extensions as detailed in Note 14 of Supplementary Planning Guidance 02 'Householder Development' which states that '*Dormer extensions should be sympathetic to the existing house in their shape, position, scale and material*'. In this regard, it would also be at odds with Policy SP2 of the adopted Bridgend Local Development Plan (LDP) 2013 which states that all development should 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.
12. I do not dispute that the dormer is not visible from the front elevation or along Hillsboro Place within the CA. Nevertheless, it is seen within the wider locality, including from the public realm and public car park to the rear of the property which are clearly well-used. Although the north eastern boundary of the CA lies along the rear property boundaries of the terrace and does not extend into the public car park or seafront promenade, there is nonetheless a presumption in favour of the preservation or enhancement of the character or appearance of CAs or their settings<sup>2</sup> (my emphasis). In light of my findings above, I consider that the dormer fails to respond positively to the design and appearance of the roofscape of the terrace against which it is read thereby failing to preserve or enhance the character or appearance of the CA. In turn, it harms views out of the CA and thus its setting.
13. Consequently, it conflicts with LDP Policy SP5 which requires new development to conserve, preserve, or enhance the built and historic environment. It is also contrary to the intent of section 72(1) of the Planning (Listed Building & Conservation Areas) Act 1990 and Planning Policy Wales.

### **Conditions**

14. The Council has indicated in its questionnaire that conditions relating to the time limit for the commencement of development, compliance with the approved plans and the use of matching materials should be imposed in the event that planning permission is granted.
15. I have had regard to the conditions in the context of the tests outlined in Welsh Government Circular 016/2014 '*The Use of Conditions for Development Management*'. As the part of the development that is granted permission has already been constructed, it is not necessary to impose a condition relating to the time limit for commencement or requiring the use of matching materials. However, as I am uncertain whether the single storey extension has been substantially completed, I will attach a condition requiring the development to be carried out in accordance with the approved plans.

### **Conclusion**

16. The element of the scheme with which I take issue is severable from the remainder of the proposal. Therefore, for the reasons I have given, and having regard to all other matters raised, I conclude that the appeal should be dismissed in relation to the rear dormer. However, the appeal should succeed in relation to the single storey rear extension.

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<sup>2</sup> Paragraph 6.1.14 of PPW11.

17. 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 making our cities, towns and villages even better places in which to live and work.

*Melissa Hall*

INSPECTOR

**Penderfyniad ar yr Apêl**

Ymweliad â safle a wnaed ar 21/07/21

gan **A L McCooey, BA (Hons) MSc MRTPI**

**Arolygydd a benodir gan Weinidogion Cymru**

**Dyddiad: 30/7/21**

**Appeal Decision**

Site visit made on 21/07/21

by **A L McCooey, BA (Hons) MSc MRTPI**

**an Inspector appointed by the Welsh Ministers**

**Date: 30/7/21**

**Appeal Ref: APP/F6915/D/21/3277143**

**Site address: 64 West Park Drive, Porthcawl, CF36 3RL**

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

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Ms G Rossini against the decision of Bridgend County Borough Council.
- The application Ref: P/21/128/FUL dated 8 February 2021, was refused by notice dated 23 April 2021.
- The development proposed is: raise roof to create first floor with 3-bedrooms, ensuite and bathroom: single storey rear extension with balcony over: canopy over front door (side).

**Decision**

1. The appeal is dismissed.

**Procedural matter**

2. The description of development has been changed from that used on the application form (contrary to the information supplied on the appeal form). I consider the revised description to be more accurate and as it is used by both the Local Planning Authority and the appellant, I adopt the revised description in this decision.

**Reasons**

3. Policy SP2 of Bridgend Local Development Plan (LDP) contains 15 sustainable placemaking criteria by which all proposals will be assessed. The most relevant to this proposal are that development should have a design of the highest quality possible, whilst respecting local character and that development should be of an appropriate size and scale, without adversely affecting the amenity of neighbouring uses. This approach generally accords with advice in Planning Policy Wales 11. The LDP is supported by supplementary planning guidance (SPG) for householder development.
4. The property is a detached bungalow in the middle of a row of 6 similar bungalows gable-on to the road. The main windows are to the front and rear elevations. The proposal would add a storey thereby significantly increasing the height of the building. A rear extension would contain an enclosed balcony and part of a bedroom at first floor level.

5. The wider area contains a variety of properties of differing designs and heights. The character of the area around the appeal site is defined by mostly bungalow or dormer bungalow dwellings. There are some houses but none in the vicinity of the appeal site. The appeal site itself is in the middle of a row of 6 similar bungalows. Whilst these bungalows are detached, their uniform design and appearance is an important element of the street scene. The increased scale and height of the proposal would be incongruous and out of keeping with the existing street scene. It would therefore have a detrimental effect on the character and appearance of the area that would be contrary to LDP Policy SP2 and relevant guidance in the Householder Development SPG.
6. There would be increased overlooking of property to the rear from the proposed enclosed balcony. However, the distance between the properties means that the impact on would not be so significant as to warrant the refusal of planning permission. The Council Officer's report carefully considers the objections to the planning application from adjoining residents. I have noted that there are no significant over-shadowing or dominance issues due to the absence of habitable room windows on the side elevations and the separation of the properties. I agree with the conclusion reached that the impacts on the living conditions of nearby residents would not constitute a reason for refusing planning permission. Aside from the matters already considered, the other points made in objections are not material planning considerations.

### **Conclusion**

7. I conclude that the proposal would be detrimental to the character and appearance of the area for the reasons given above. Having taken all relevant matters into account, I conclude that the proposal would be contrary to Policy SP2 of the LDP and the relevant provisions of the Householder Development SPG. The appeal is therefore dismissed.
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 (the Act). I 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 set out as required by section 8 of the Act. I consider that this decision is in accordance with the guidance on the Act in Planning Policy Wales regarding the principles of good design and placemaking.

*A L McCooey*

**Inspector**