

APPEALS

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

APPEAL NO. C/21/3278601 (1933)
APPLICATION NO. ENF/311/19/TAC

APPELLANT M BARZEWICZ-DOWER

SUBJECT OF APPEAL UNAUTHORISED FELLING OF TPO TREES
10 LLYS BRIALLEN, BRACKLA, BRIDGEND

PROCEDURE ENFORCEMENT NOTICE

DECISION LEVEL DELEGATED OFFICER

APPEAL NO. A/21/3275105 (1946)
APPLICATION NO. P/20/581/FUL

APPELLANT M BARZEWICZ-DOWER

SUBJECT OF APPEAL ERECTION OF RETAINING WALL AND STEPS, RAISED PATIO,
GARDEN ROOM AND WIND TURBINE TO REAR GARDEN
10 LLYS BRIALLEN, BRACKLA, BRIDGEND

PROCEDURE WRITTEN REPRESENTATIONS

DECISION LEVEL DELEGATED OFFICER

The application was refused for the following reasons:

1. The proposed wind turbine, by reason of its siting, size, scale and prominence, represents an excessive, incongruous and overly prominent form of development that will have a detrimental impact on the appearance of the host dwellinghouse and the character of the wider residential area, contrary to Policy SP2 of the Local Development Plan (2013), Supplementary Planning Guidance Note 02 Householder Development, and advice contained within Planning Policy Wales (Edition 11, February 2021).
2. The retention of the raised ground level and introduction of a raised patio area, together with the installation of a 1.1 metre high balustrade and a 1.2 metre high timber fence, by reason of their siting, scale, prominence and proximity to neighbouring properties, are considered to be unneighbourly and harmful forms of development that would result in overly dominant and overbearing features along the eastern and western boundaries of the application site, having a detrimental impact on the privacy currently enjoyed in the locality and on the residential amenities of the occupier(s) of neighbouring properties, contrary to Notes 1, 3, 4 and 6 of Supplementary Planning Guidance Note 02 Householder Development, criterion (12) of Policy SP2 of the Local Development Plan (2013) and advice contained within Planning Policy Wales (Edition 11, February 2021).
3. Insufficient information has been submitted in respect of the retaining wall and the foundations of the turbine to enable the structural soundness of the proposal to be properly evaluated by the Local Planning Authority, contrary to Policy SP2 of the Council's Local Development Plan (2013) and guidance contained within Planning Policy Wales (Edition 11, February 2021).

The following appeal has been decided since my last report to Committee:

APPEAL NO.	CAS-01518-M3N6L8 (1939)
APPLICATION NO.	P/21/263/OUT
APPELLANT	MR A PHILLIPS
SUBJECT OF APPEAL	OUTLINE PLANNING APPLICATION TO CONSTRUCT A DETACHED DORMER BUNGALOW LAND ADJACENT TO 7 FAIRWAYS, NORTH CORNELLY
PROCEDURE	WRITTEN REPRESENTATIONS
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**

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 16/03/22

gan Nicola Gulley MA MRTPI

Arolygydd a benodir gan Weinidogion
Cymru

Dyddiad: 12/04/2022

Appeal Decision

Site visit made on 16/03/22

by Nicola Gulley MA MRTPI

an Inspector appointed by the Welsh
MinistersDate: 12/04/2022

Appeal Ref: CAS-01518-M3N6L8**Site address: 7 Fairways, North Cornelly, Bridgend CF33 4DH****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 Antony Phillips against the decision of Bridgend Borough County Council.
 - The development proposed is a detached dormer bungalow.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appeal proposal is for outline planning permission for a detached dormer bungalow. All matters are reserved.

Main Issues

3. The Council raises no objection to the proposed bungalow on the basis of its impact on the character and appearance of the area or on living conditions of the occupiers of the neighbouring properties. The main issues are therefore the impact the proposed development would have on the living conditions of the existing and future occupiers of No. 7 Fairways ('the host dwelling') and on the biodiversity characteristics of the area.

Reasons

4. The appeal site is located at the end of the residential properties on the southern side of Fairways and adjacent to a large landscaped verge which provides public access to the footbridge crossing the nearby M4 motorway. The site comprises the existing side garden area of No. 7 Fairways, a substantial family home, and includes a greenhouse and small detached garage. The area surrounding the site is characterised by a mixture of traditional semi-detached dwellings and dormer bungalows set in generous sized gardens, which in conjunction with the large verge, provide a sense of openness.

5. Policies SP2, SP4 and ENV6 of the Adopted Bridgend Local Development Plan (LDP) (2013) seek, amongst other things, to ensure that all new development contributes towards creating high quality, attractive, sustainable places, respects and enhances local character and distinctiveness and, where appropriate, safeguards and enhances biodiversity and green infrastructure.
6. The development proposes the demolition of the existing greenhouse and detached garage and construction of a detached dormer bungalow. The submitted scaled parameter plan and supporting information indicate that the proposed bungalow would be between 5.5 and 6 metres high, 5.6 metres wide, and 12 metres long and orientated to face the public highway. The boundary dividing the appeal site and the host dwelling would be set some 3 metres from the side elevation of No.7 Fairways and would allow for a side driveway, narrow front garden and a rear garden area, which I am advised measures some 54 square metres, to be retained at the host property.
7. The Council contends that the proposed subdivision of the garden area of No. 7 Fairways to create a building plot would mean that the host property would fail to retain an appropriate or adequate level of private outdoor amenity space for the occupiers of the existing property. In support of this assertion the Council has drawn my attention to the requirements of the adopted Householder Development Supplementary Planning Guidance (SPG) which seeks to ensure that new development provides reasonable private outdoor space for the enjoyment of existing and future occupiers. Furthermore, it is suggested that the mature trees close to the site provide suitable roosting and nesting opportunities for bats and, despite a request, no substantive evidence has been presented to determine if bats are present or the impact the proposal would have on the protected species.
8. The appellant points to the absence of any guidance in respect of amenity space and contends that the level of provision to be retained at the host dwelling would be acceptable and exceed that made for outdoor space in a number of recently constructed dwellings. In addition, the appellant acknowledges the concerns in relation to the presence of bats in the locality and has indicated a willingness to undertake an initial survey were this appeal to be allowed.
9. I note that no detailed guidance has been provided by the Council in of the quantum of amenity space required for new residential development. However, I consider that in this case the advice contained in the adopted Householder Development SPG, which addresses amenity space, is of direct relevance and provides an appropriate basis on which to assess the proposal. I will therefore afford weight to the SPG in the determination of this appeal.
10. In terms of the impact of the proposed development on the living conditions, I consider that the modest scale of the private amenity space that would be retained at the host dwelling, coupled with its awkward, roughly triangular shape would result in a cramped rear garden area that would fail to provide either the quantum or quality of space that would be reasonably required to meet the needs of future occupiers of the property. Moreover, the scale of the amenity space proposed, which would be less than half that afforded to the neighbouring dwellings, would be in stark contrast to the generous sized gardens of the properties in the surrounding area.
11. With regard to the recently constructed dwellings identified by the appellant, I am conscious that the circumstances of the developments cited, particularly in relation to matters such as the nature, scale and design of the properties and the density of the surrounding area differ to that of the host dwelling. I have in any case, determined the appeal on its own merits.

12. In relation to the provision of a bat survey, although I note the appellant's comments, I share the Council's concerns that insufficient evidence has been presented to determine if bats are present close to the site and to make an informed assessment of the potential impact the proposal would have on the protected species.
13. In light of the above, I consider that the proposed development would be contrary to the objectives of Policies SP2, SP4 and ENV6 of the LDP and Householder SPG.

Conclusion

14. 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.
15. I have also had regard to all other matters raised in support of the scheme. However, none of these factors are sufficient to alter my overall conclusions that the proposal would have an adverse impact on the living conditions of the occupiers of the host dwelling and on the biodiversity characteristics of the area.
16. For the reasons given above, I conclude that the appeal should be dismissed.

Nicola Gulley

Inspector