

## APPEALS

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

<b>APPEAL NO.</b>	A/21/3283050 (1934)
<b>APPLICATION NO.</b>	P/21/85/FUL
<b>APPELLANT</b>	MR A WATKINS
<b>SUBJECT OF APPEAL</b>	CHANGE OF USE OF GROUND FLOOR TO RESIDENTIAL ACCOMMODATION TO BE USED WITH EXISTING FIRST FLOOR RESIDENTIAL ACCOMMODATION (BECOME ONE RESIDENTIAL UNIT): WHITE HART INN, BRIDGEND ROAD, MAESTEG
<b>PROCEDURE</b>	WRITTEN REPRESENTATIONS
<b>DECISION LEVEL</b>	DELEGATED OFFICER

The application was refused for the following reason:

1. Insufficient information in the form of appropriate marketing evidence, has been submitted with the planning application to justify the loss of the existing community facility. The planning application is therefore contrary to Policies SP13 & COM7 of the Bridgend Local Development Plan (2013) and advice contained within Planning Policy Wales (Edition 11, 2021).

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<b>APPEAL NO.</b>	CAS-01667-X6V3G0 (1943)
<b>APPLICATION NO.</b>	P/21/772/FUL
<b>APPELLANT</b>	C SHILLIBIER
<b>SUBJECT OF APPEAL</b>	RETENTION OF NEW AGRICULTURAL TRACKWAY USING WIDENED ACCESS: TY ISAF FARM, SHWT
<b>PROCEDURE</b>	WRITTEN REPRESENTATIONS
<b>DECISION LEVEL</b>	DELEGATED OFFICER

The application was refused for the following reasons:

1. Inadequate justification has been provided to demonstrate the material need for the retention of the widened access and farm track and, as such, the proposal, by reason of its scale, form and location, represents an unjustified and undesirable intrusion into the open countryside that will adversely impact on and change the character of the surrounding area to the detriment of rural amenity. As such the proposal is contrary to Policies ENV1 and SP2 of Bridgend County Borough Council's adopted Local Development Plan (2013), Technical Advice Note 6: Planning for Sustainable Rural Communities (2010) and advice contained within Planning Policy Wales (Edition 11, February 2021) and Future Wales – the National Plan 2040 (Feb 2021).
2. The retention of the widened access and farm track, by reason of its design, scale and materials, represents an inappropriate and unjustified feature having a detrimental visual impact on the landscape character and rural appearance of this countryside and

rural location contrary to Policies ENV1 and SP2 of the Bridgend Local Development Plan (2013) and Supplementary Planning Guidance SPG02: Householder Development together with and advice contained within and Technical Advice Note 12: Design (2016), Planning Policy Wales (Edition 11, February 2021) and Future Wales – the National Plan 2040 (Feb 2021).

3. The access, by reason of its siting, location and form, lacks adequate visibility to serve the development which would create traffic hazards as well as generating extraneous traffic into what is a narrow country lane environment where there is no pedestrian footway leading to potential pedestrian/vehicular conflicts to the detriment of highway safety, contrary to Policy SP2 and SP3 of the Bridgend Local Development Plan (2013) and advice contained within Planning Policy Wales (Edition 11, February 2021) and Future Wales – the National Plan 2040 (Feb 2021).
4. Insufficient details have been submitted in respect of the potential ecological and drainage impacts of the development on the area and the implications of the proposal to be properly evaluated by the Local Planning Authority in terms of biodiversity and land drainage.

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<b>APPEAL NO.</b>	CAS-01627-Y0D5V5 (1947)
<b>APPLICATION NO.</b>	P/21/493/FUL
<b>APPELLANT</b>	MR T SMITH
<b>SUBJECT OF APPEAL</b>	RETENTION OF RAISED PATIO ABOVE SHED AND RAISED PATIO WITH BALUSTRADE AND RELOCATED STEPS: 22 CHESTNUT DRIVE, PORTHCAWL
<b>PROCEDURE</b>	HOUSEHOLDER
<b>DECISION LEVEL</b>	DELEGATED OFFICER

The application was refused for the following reasons:

1. The raised patio area located above the existing shed, by reason of its siting, scale and design, represents an unneighbourly and unacceptable form of development which has a detrimental impact on the level of privacy and residential amenities enjoyed by the occupiers of the neighbouring property known as 20, Chestnut Drive. The proposal is therefore contrary to Policy SP2 of the Bridgend Local Development Plan (2013), Supplementary Planning Guidance 02: Householder Development (2008) and advice contained within Technical Advice Note 12 - Design (2016), Planning Policy Wales (Edition 11, February 2021) and Future Wales – the National Plan 2040 (Feb 2021).
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**APPEAL NO.** CAS-01807-Z5P1R1 (1948)  
**APPLICATION NO.** P/21/1087/FUL

**APPELLANT** MR T SMITH

**SUBJECT OF APPEAL** REMOVE GARAGE/UTILITY; TWO STOREY SIDE EXTENSION;  
SINGLE STOREY PORCH/WC/PLAYROOM EXTENSION TO  
FRONT; HARDSTANDING TO FRONT: 8 RHYD Y NANT, PENCOED

**PROCEDURE** HOUSEHOLDER

**DECISION LEVEL** DELEGATED OFFICER

The application was refused for the following reason:

1. The proposed development, due to its design, scale and siting up to the boundary with the adjoining property, together the proposed forecourt parking, represents an unacceptable design that would be detrimental to the character and appearance of the host dwellinghouse and the wider street scene, 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).

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**APPEAL NO.** CAS-01573-X1N9P0 (1949)  
**APPLICATION NO.** P/21/523/FUL

**APPELLANT** A FRANCIS (DANCE)

**SUBJECT OF APPEAL** RETENTION OF FENCE: 8 WILLESDEN ROAD, BRIDGEND

**PROCEDURE** HOUSEHOLDER

**DECISION LEVEL** DELEGATED OFFICER

The application was refused for the following reasons:

1. The boundary fencing, by reason of its size, design and siting in close proximity and in full view of users of the adjoining highway, is considered to have a significant detrimental impact on local visual amenities contrary to Policy SP2 of the Bridgend Local Development Plan and Supplementary Planning Guidance 02: Householder Development as well as Welsh Government Policy as set out in Planning Policy Wales (Edition 11, February 2021).
  2. The erected boundary fence restricts and obstructs the vision splays for the off-street car parking space at the site, thereby creating a traffic hazard to the detriment of highway and pedestrian safety on the adjoining highway network contrary to Policy SP2 of the Bridgend Local Development Plan (2013), advice contained within Supplementary Planning Guidance 02: Householder Development and advice contained within Planning Policy Wales (Edition 11, February 2021).
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**The following appeals have been decided since my last report to Committee:**

**APPEAL NO.** CAS-01415-N2D3V6 (1935)  
**APPLICATION NO.** P/21/328/FUL

**APPELLANT** MR M WALDRON

**SUBJECT OF APPEAL** CONVERSION OF AN EXISTING AGRICULTURAL BARN TO  
CREATE A SINGLE DWELLING:  
LAND OFF DYFFRYN MADOC, MAESTEG

**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**

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**APPEAL NO.** CAS-01530-Z7B4T0 (1940)  
**APPLICATION NO.** P/21/740/FUL

**APPELLANT** WIGGINS HILL PROPERTIES LTD

**SUBJECT OF APPEAL** CONVERSION OF 3 STOREY SEMI-DETACHED DWELLING INTO  
3 APARTMENTS: 47 SOUTH ROAD, PORTHCAWL

**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 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)



## 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: 20.04.22

## Appeal Decision

Site visit made on 16/03/22

by Nicola Gulley MA MRTPI

an Inspector appointed by the Welsh Ministers

Date: 20.04.22

Appeal Ref: CAS-01415-N2D3V6

Site address: Land off Dyffryn Madoc, Maesteg, Bridgend CF34 9RF

**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 Mark Waldron against the decision of Bridgend Borough County Council.
- The development proposed is the conversion of an existing agricultural barn to create a single dwelling.

### Decision

1. The appeal is dismissed.

### Preliminary Matters

2. Planning permission for the construction of an agricultural barn was granted, under application ref P/18/63/FUL, on 8 June 2018. The consent was granted subject to conditions that require, amongst other things, the removal of the approved building and associated infrastructure from the site within a period of six months, should the building permanently cease to be required for agricultural purposes.

### Main Issues

3. The main issues are the impact the proposed development would have on: the character and appearance of the area; access and highway safety; and the biodiversity and ecological characteristics of the site

### Reasons

#### *Character and Appearance*

4. The appeal site is located in the countryside outside the settlement of Maesteg. The site includes a modern agricultural barn and small compound which are used for the keeping of livestock and the storage of materials and equipment in association with the appellant's agricultural business. The steep topography of the site means that the appeal building has the appearance of being a partially two storey and partially single storey structure. Access

to the site is afforded via a narrow private drive which rises steeply up from the main access road to Helo Ty Gwyn Industrial Estate. The site is bounded a combination of the residential and industrial development on the fringe of Maesteg and to the north by open countryside.

5. The development proposes the conversion of the existing agricultural barn into a two storey dwelling with single storey side annex. The proposed conversion would require a number of alterations to the external appearance of the appeal building including: the insertion of large floor to ceiling windows in the existing stable door openings in the ground floor front elevations; the creation of 5 no. large and 2 no. small new window openings in the upper section of the front and northern side elevation of the main building; the creation of a new doorway in the front elevation; and the insertion of roof lights in both the roof of the main building and the annex. In addition, the development proposes the planting a small belt of native trees along the eastern boundary of the appeal site.
6. Policies SP2 and ENV1 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 is of an appropriate scale, size and prominence. In the case of the conversion of rural buildings, Policy ENV1 makes clear that development will be strictly controlled and that the suitable conversion of existing structurally sound rural buildings may be acceptable where the development is modest in scale.
7. Additional guidance is contained in Planning Policy Wales, Edition 11 (February 2021) (PPW) and Technical Advice Note 6 – Planning for Sustainable Rural Communities (2010) (TAN 6) which make clear that new development in the countryside should be strictly controlled and, in the case of the re-use / adaption of the rural buildings, proposals should respect the landscape and local building styles and materials of the area.
8. The appellant explains that he wishes to convert the barn into a residential dwelling because his agricultural business has been adversely impacted by the global Covid-19 pandemic and that, in his view the proposal accords with the requirements of Policy ENV1 of the LDP and TAN 6. In respect of the proposed alteration to the exterior of the appeal building and its impact on the landscape, the appellant maintains that the proposal responds positively to the existing building and its setting in landscape character terms, whilst also achieving the highest quality of design possible.
9. I note the appellant's comments in relation to his business and the appearance and visual impact of the proposed development. However, I consider that the exterior alterations to the appeal building, which include the insertion of large new window openings in the upper section of the front and northern side elevation of the barn, together with the use of large glazing panels in the ground floor of the structure, would result in an overtly modern and urban form of development that would fail to respect the simple design of the existing structure or its rural location.
10. As such, I consider that the proposed development would be contrary to the objectives of Policy SP2 and ENV1 of the LDP, PPW and TAN6.

#### *Access and Highway Safety*

11. Policy SP2 and SP3 of the LDP seek, amongst other things, to ensure that all development proposals promote safe, sustainable and healthy forms of transport through good design, enhanced walking and cycling provision, improved public transport provision and road connections within and outside the site to ensure efficient access.

12. In support of the proposal the appellant has submitted a Transport Appeal Statement which looks specifically at highway safety and accessibility issues in relation to the site. The statement contends that: the proposed development would not result in an increase in the number of vehicular movements to and from the site; and that the site is within walking distance of a range of public transport, commercial and community facilities.
13. The Council contends that the proposed development would result in more vehicular movements to and from the site and lead to an increase in the potential for pedestrian/vehicular conflict at the existing access and egress point. Whilst I note these concerns, I am mindful that the proposed development would utilise an existing access/egress point on Helo Ty Gwyn Road, which offers a clear and unrestricted views of the highway, and that no substantive evidence has been presented which demonstrates that the proposal would result in an increase in the number of movements to the site or that these would lead to a reduction in pedestrian/vehicular safety.
14. With regard to accessibility, I agree that there are public transport, commercial and community facilities within walking distance of the appeal site. However, I consider that the steep topography of the area together with the remote nature of the main entrance, on the public highway close to Helo Ty Gwyn Industrial Estate, would deter future residents of the appeal building from accessing these facilities on foot or cycle and would instead promote the use of the private car.
15. In light of the above, I consider that the proposed development would be contrary to the objectives of Policy SP2 and SP3 of the LDP in so much as it would promote an unsustainable form of development.

#### Biodiversity

16. The appeal site is situated within the southern section of the designated Nant y Crynwydd Site of Important Nature Conservation (SINC). As such, the proposal is subject to the requirements of Policy ENV6 of the LDP which, where appropriate, seeks to safeguard and enhance biodiversity and green infrastructure.
17. In support of the proposal the appellant has submitted an assessment that considers the impact of the proposed development on the Nant y Crynwydd SINC. The findings of the assessment indicate that the appeal property lies in part of the designated site which has no SINC features or species and that the proposed conversion would have no adverse impact on the designation. Notwithstanding this the assessment recommends the implementation of a series of mitigation/compensatory measures including: the landscaping of the area around the barn including bulking up of the woodland corridor; a lighting scheme suitable for bats and other commuting species using the wooded riparian corridor; provision of bat bricks and Swallow, Swift and House Sparrow bird boxes on the building; and control of Invasive non-native species specifically Himalayan Balsam.
18. Whilst I note the findings of the SINC Impact Assessment, I share the Council's concerns that the proposed development fails to provide sufficient detail in respect of mitigation/compensatory measures, specifically relating to landscaping, lighting and the control of Himalayan Balsam, to allow an informed assessment to be made of the potential impact the proposal would have on the designated site. In the absence of such information, I consider that the proposed development is contrary to Policy EV6 of the LDP.

#### Conclusion

19. 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.
20. 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 result in an unsustainable form of development that would have an adverse impact on the character and appearance of the appeal dwelling and surrounding area and, potentially, the biodiversity and ecological characteristics of the site.
21. For the reasons given above, I conclude that the appeal should be dismissed.

*Nicola Gulley*

Inspector





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## 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: 27/04/2022

## Appeal Decision

Site visit made on 16/03/22

by Nicola Gulley MA MRTPI

an Inspector appointed by the Welsh  
Ministers

Date: 27/04/2022

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Appeal Ref: CAS-01530-Z7B4T0

Site address: 47 South Road, Porthcawl, Bridgend CF36 3DG

**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 Wiggins-Hill Properties Ltd against the decision of Bridgend Borough County Council.
  - The development proposed is the conversion of a 3 storey semi-detached dwelling into 3 apartments.
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### Decision

1. The appeal is dismissed.

### Preliminary Matters

2. Planning permission for the change of use of the appeal property from a Doctor's surgery and annex (Use Class D1) to residential use with parking (Use Class C3) was granted, under application ref P/20/894/FUL, in January 2021. A subsequent application for the conversion of the appeal building into 3 no. apartments, under application ref P/21/132/FUL, was refused in May 2021 because of objections to the provision of outdoor amenity space and off-street parking.

### Main Issue

3. The Council raises no objection to the proposed development on the basis of its impact on the character and appearance of the area, the living conditions of the occupiers of neighbouring properties, by virtue of loss of privacy, or parking and highway safety. The main issue is therefore the impact of the proposed development on the living conditions of future occupiers of the development.

### Reasons

4. The appeal site is located within the urban area of Porthcawl. The site comprises a substantial three storey semi-detached property which, in conjunction with the adjoining property and a two storey annex to the rear of the site, was formerly used as a doctor's surgery and clinic. The appeal building is set back from the public highway by a modest

front garden which is enclosed by a low wall and hedge. To the rear of the property is a generous sized garden which has been laid out to provide off-street parking and refuse storage. The area surrounding the appeal site is predominantly residential and characterised by a range of different housing types and styles.

5. Policy SP2 of the Adopted Bridgend Local Development Plan (LDP) (2013) seeks, amongst other things, to ensure that all new development contributes towards creating high quality, attractive, sustainable places which respects and enhances local character and distinctiveness.
6. The development proposes the conversion of the appeal building into three self-contained apartments with off-street parking and a service area to the rear. The apartments comprise two, one bedroom units on the first and second floors which would be served by balconies at the rear of the property. The balconies would measure some 8 square metres and be enclosed by 1.7 metre high obscured glazed panels. Whilst a two bedroom unit would be located on the ground floor which would be served by an area of private amenity space measuring some 16 square metres at the front of the appeal dwelling.
7. The Council acknowledges that the applicant has sought to address the reasons for refusal in respect of application ref P/21/132/FUL, through in part, the introduction of private amenity space for each unit, but contends that the space provided would be substandard. In support of this 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 a reasonable level of private outdoor space for the enjoyment of existing and future occupiers.
8. Conversely, the appellant points to the absence of any guidance in respect of amenity space and contends that: it is normal for modern residential apartments to provide private or semi-private balconies that offer outside space for occupants to sit within and enjoy fresh air; that the balconies proposed within the rear elevations of the first and second floors of the development and at ground floor level are of a generous size; and additional space could be provided for a small communal sitting out area within the rear car park area should future occupants of the development wish. In addition, the appellant explains that the appeal dwelling is located within a short walk of the Porthcawl Rugby Football Club Ground and its associated public open space (POS) provision, and less than a mile away from the seafront.
9. I am mindful that no detailed guidance has been provided by the Council in respect 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. Whilst I note the appellant's comments, I consider that the narrow width of the proposed first and second floor balconies, some 2.3 metres wide, when considered in conjunction with the height of the enclosure would result in a form of development that would feel cramped and oppressive. In respect of the ground floor apartment, although the scale of provision is greater than that of the other units, I am mindful that the location of the private amenity space, immediately adjacent to the public highway and the main entrance to the property, together with the low level of the enclosure would mean that the proposed space would be open to public view and, as such, fail to provide the level of privacy that can reasonably be expected by future occupants.

11. In light of the above, I consider that the proposed development would not provide a reasonable level of private amenity space for the future occupiers of the apartments and, as such, would be contrary to the objectives of Policy SP2 of the LDP and Householder SPG.

### **Conclusion**

12. 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.

13. 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 future occupants of the proposed apartments.

14. For the reasons given above, I conclude that the appeal should be dismissed.

*Nicola Gulley*

Inspector