

## **APPEALS**

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

**APPEAL NO.** CAS-02302-G5W2C0 (1977)  
**ENFORCEMENT NO.** ENF/57/22/TAC

**APPELLANT** ALLEGED UNAUTHORISED FELLING OF TREES  
M4 CORRIDOR BETWEEN MAWDLAM AND SOUTH CORNELLY

**SUBJECT OF APPEAL** MR W R MORGAN & MRS A J MORGAN

**PROCEDURE** HEARING

**DECISION LEVEL** ENFORCEMENT NOTICE

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**APPEAL NO.** CAS-02528-C0V8D6 (1983)  
**APPLICATION NO.** P/22/391/FUL

**APPELLANT** MR G GIRLETZ

**SUBJECT OF APPEAL** FRONT GARDEN DEVELOPMENT: ERECT A SUPPORTING WALL  
AND BOUNDARY RAILINGS; CREATE PARKING AREA; LOWER  
KERB TO ALLOW ACCESS FOR PARKING AREA  
87 FFORDD YR EHEDYDD, NORTH CORNELLY

**PROCEDURE** HOUSEHOLDER

**DECISION LEVEL** DELEGATED OFFICER

The application was refused for the following reasons:

1. The proposed replacement of the open front garden with a parking area, enclosure and a retaining structure, by reason of its siting and prominence, represents an incongruous and overly prominent form of development that will have a detrimental impact on the character and appearance of the open 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 formation of an access, additional parking space, a likely retaining wall and enclosure in close proximity to the road bend would create hazards, to the detriment of highway safety and forward visibility, and would promote of the use of the private car at a property that already has sufficient on-site parking provision, contrary to Policies SP2 and SP3 of the Local Development Plan (2013), the adopted parking standards (SPG17) and advice contained in Planning Policy Wales (2011).
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**The following appeals have been decided since my last report to Committee:**

**APPEAL NO.** CAS-02023-V5Z2N6 (1956)  
**APPLICATION NO.** P/22/110/FUL

**APPELLANT** MR C LEWIS

**SUBJECT OF APPEAL** RETENTION OF SHED, COVERED AREA AND 2M HIGH BOUNDARY WALL, NEW RAISED LAWN WITH UNDERGROUND WATER STORAGE TANK, REMOVAL OF EXISTING TREES AND NEW LANDSCAPING WITHIN FRONT GARDEN  
3 CLEVIS CRESCENT, PORTHCAWL

**PROCEDURE** HOUSEHOLDER

**DECISION LEVEL** DELEGATED OFFICER

**DECISION** THE INSPECTOR APPOINTED BY THE WELSH MINISTERS TO DETERMINE THIS APPEAL DIRECTED THAT THE APPEAL BE PART ALLOWED/PART DISMISSED.

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

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**APPEAL NO.** CAS-02021-G5L2F4 (1957)  
**ENFORCEMENT NO.** ENF/414/21/ACK

**APPELLANT** MRS G LEWIS

**SUBJECT OF APPEAL** ALLEGED UNAUTHORISED BUILD  
3 CLEVIS CRESCENT, PORTHCAWL

**PROCEDURE** WRITTEN REPRESENTATIONS

**DECISION LEVEL** ENFORCEMENT

**DECISION** THE INSPECTOR APPOINTED BY THE WELSH MINISTERS TO DETERMINE THIS APPEAL DIRECTED THAT THE APPEAL BE ALLOWED ON GROUND G AND SUBJECT TO CONDITIONS. THE ENFORCEMENT NOTICE BE UPHELD.

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

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**APPEAL NO.** CAS-02051-R7H6K0 (1958)  
**APPLICATION NO.** P/22/205/RLX

**APPELLANT** C SELFRIDGE-POOR

**SUBJECT OF APPEAL** VARY CONDITION 1 OF P/21/420/FUL – AMENDED DESIGN OF GRANNY ANNEX  
15 WEST DRIVE, 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 ALLOWED SUBJECT TO CONDITIONS

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

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**APPEAL NO.** CAS-02058-H2T2R2 (1959)  
**APPLICATION NO.** P/21/988/FUL

**APPELLANT** MR J BARBER

**SUBJECT OF APPEAL** CHANGE OF USE FROM USE CLASS B1/B2 TO USE CLASS D1 (HEALTH CLINIC)  
UNIT 1A AND 2A HEOL FFALDAU, BRACKLA INDUSTRIAL ESTATE, BRIDGEND

**PROCEDURE** WRITTEN REPRESENTATIONS

**DECISION LEVEL** COMMITTEE

**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**

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**APPEAL NO.** CAS-02102-T9M5R1 (1961)  
**APPLICATION NO.** P/20/729/OUT

**APPELLANT** C H KNIGHT & PARTNERS

**SUBJECT OF APPEAL** RESIDENTIAL DEVELOPMENT WITH CAR PARKING, LANDSCAPING AND ANCILLARY WORKS  
LAND TO NORTH & EAST OF CYPRESS GARDENS, 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 ALLOWED SUBJECT TO CONDITIONS.

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

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**APPEAL NO.** CAS-02130-Q2Z4J5 (1965)  
**APPLICATION NO.** P/21/909/RLX

**APPELLANT** MR R DERRICK

**SUBJECT OF APPEAL** VARY CONDITION 1 & REMOVE CONDITION 4 OF P/19/371/FUL (PROPOSED CONVERSION (INCLUDING EXTENSIONS) OF 2 STONE BARNS & ASSOCIATED LAND TO 2 DWELLINGS WITH PRIVATE GARDEN SPACE & COURTYARD AREA FOR ACCOMMODATING ASSOCIATED PARKING SPACES) LAND BETWEEN PYLE ROAD & FULMAR ROAD, NOTTAGE, PORTHCAWL

**PROCEDURE** WRITTEN REPRESENTATIONS

**DECISION LEVEL** COMMITTEE

**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 E**

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**APPEAL NO.** CAS-02071-B9C1R9 (1970)  
**ENFORCEMENT NO.** ENF/186/20/ACK

**APPELLANT** MR G MORGAN

**SUBJECT OF APPEAL** UNTIDY LAND  
FORMER PUMP HOUSE, HEOL FAEN, MAESTEG

**PROCEDURE** WRITTEN REPRESENTATIONS

**DECISION LEVEL** ENFORCEMENT

**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 F**

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**APPEAL NO.** CAS-02159-S2N0T9 (1971)  
**APPLICATION NO.** P/22/228/FUL

**APPELLANT** MR R RICHARDSON

**SUBJECT OF APPEAL** DINING ROOM EXTENSION  
9 DUFFRYN OAKS DRIVE, PENCOED

**PROCEDURE** HOUSEHOLDER

**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 G**

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**APPEAL NO.** CAS-02346-D9Y3L9 (1976)  
**APPLICATION NO.** P/22/482/FUL

**APPELLANT** MR L JONES

**SUBJECT OF APPEAL** DETACHED GARAGE TO FRONT OF PROPERTY  
1 HIGH STREET LALESTON

**PROCEDURE** HOUSEHOLDER

**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 H**

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**APPEAL NO.** CAS-02392-C5M3H6 (1980)  
**APPLICATION NO.** P/22/505/FUL

**APPELLANT** Mr & Mrs R Davies

**SUBJECT OF APPEAL** RETENTION OF SHED AND FENCE WITHIN FRONT GARDEN  
5 CLEVIS CRESCENT, PORTHCAWL

**PROCEDURE** HOUSEHOLDER

**DECISION LEVEL** DELEGATED

**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 I**

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**APPEAL NO.** CAS-02421-S3S7F6 (1981)  
**APPLICATION NO.** P/22/403/FUL

**APPELLANT** MR S KNIPE

**SUBJECT OF APPEAL** REMODELLING OF DWELLING – FIRST FLOOR WITH PITCHED  
ROOF DORMERS & TWO STOREY GLAZED FRONTAGE;  
ALTERATIONS & EXTENSIONS TO GROUND FLOOR  
1 THE WHIMBRELS, 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 J**

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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)



## Appeal Decisions

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by H W Jones BA (Hons) BTP MRTPI

an Inspector appointed by the Welsh Ministers

Decision date: 23/02/2023

Appeal reference: CAS-02021-G5L2F4

Site address: 3 Clevis Crescent, Newton, Porthcawl, CF36 5NY

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Appeal A reference: CAS-02021-G5L2F4

Site address: 3 Clevis Crescent, Newton, Porthcawl, CF36 5NY

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
  - The appeal is made by Mrs G Lewis against an enforcement notice issued by Bridgend County Borough Council.
  - The enforcement notice, numbered ENF/414/21/ACK, was issued on 25 May 2022.
  - The breach of planning control as alleged in the notice is without planning permission, the erection of a garden shed, timber structure and boundary fence.
  - The requirements of the notice are:
    - (a) Remove the timber garden shed located in front of the property;
    - (b) Remove the three-sided timber structure located in front of the property;
    - (c) Reduce the boundary fence in the front garden area located on the southern boundary with 4 Clevis Crescent to 1m in height for a distance of 2m from the back of the pavement as shown in blue on attached Plan B;
    - (d) Remove all materials associated with steps (a) – (c) above from the land.
  - The period for compliance with the requirements is 2 months.
  - The appeal is proceeding on the grounds set out in section 174(2)(a), (f) and (g) of the Town and Country Planning Act 1990 as amended.
  - A site visit was made on 20 December 2022.
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Appeal B reference: CAS-02023-V5Z2N6

Site address: 3 Clevis Crescent, Newton, Porthcawl, CF36 5NY

- 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 Cormac Lewis against the decision of Bridgend County Borough Council.

- The application (ref: P/22/110/FUL), dated 15 February 2022, was refused by notice dated 12 May 2022.
  - The development is described as: retrospective planning application for works to the front garden area following a letter from [the Council] dated 10th February 2022 reference ENF/414/21/ACK. Works include removal of existing trees and relocation of existing shed, plus the addition of 2.0m high cedar fencing and covered areas, new raised lawn area with buried 3000 litre water storage tank which will be used for irrigation purposes, plus new landscaped areas to soften and provide coverage to new fenced and lawn areas.
  - A site visit was made on 20 December 2022.
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## Decisions

### Appeal A

1. The appeal is allowed on ground (g), and it is directed that the enforcement notice is:
  - (i) corrected by the deletion of “(shown edged red on the attached Plan A)” in section 2, The Land Affected and by the deletion of “as shown in blue on attached Plan B” in requirement 5 (c); and
  - (ii) varied by the deletion of “2 months” and the substitution of “4 months” as the period for compliance.
2. Subject to these corrections and variation the enforcement notice is upheld and planning permission is refused on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

### Appeal B

3. The appeal is dismissed insofar as it relates to the existing timber garden shed, three-sided timber structure and boundary fence, and the proposed car port. The appeal is allowed only insofar as it relates to the new raised lawn area with buried 3000 litre water storage tank and planning permission is granted for the new raised lawn area with buried 3000 litre water storage tank at 3 Clevis Crescent, Newton, Porthcawl, CF36 5NY in accordance with the terms of the application, (ref: P/22/110/FUL), dated 15 February 2022.

### Preliminary Matter.

4. The description of development set out in the above banner heading for Appeal B is taken from the planning application form. It does not appear that the appellant has agreed the more concise amended description which the Council has used in its decision notice. For reasons of clarity, in my decision I have referred to specific elements which formed part of the application.

### The Notice

5. In describing the land affected the enforcement notice sets out the site address as it appears in the above banner heading. However, it also includes the following: “(shown edged red on the attached Plan A)”. The main parties agree that Plan A incorrectly identifies a neighbouring property. It is also clear that Plan B incorrectly positions the blue line identified in requirement (c).



6. It is clear that the appellant has not been misled by these errors; the site address is sufficient to identify the land the subject of the notice and reference to Plan B is not necessary to understand the extent of requirement (c). In the circumstances I am satisfied that I can correct the notice by deleting the references to the plans without causing injustice to any party, and shall do so to avoid any potential confusion in the future. I shall use my powers to correct the notice accordingly.
7. The appellant points out that the subject fencing is not on the boundary and that such reference in the notice is incorrect. I am satisfied that the fence is sufficiently close to the boundary that the description does not require correction.

### **Appeal A, ground (a), and Appeal B**

8. Appeal B seeks retrospective planning permission for the same works the subject of the deemed planning application that falls to be considered under Appeal A, as such I shall deal with them together. Although not specifically mentioned in the appellant's description, the site layout plan refers to a car port that has not yet been erected and which would be positioned between the shelter and the shed, as such it forms part of my assessment of Appeal B.
9. The appeal B scheme also includes the raising of the lawn and installation of an underground storage tank which has been undertaken between the house and the structures the subject of the enforcement notice. No concerns have been raised to these elements. As there is no reason to withhold approval, I shall grant retrospective permission for those works without making further reference to them in my assessment of the planning merits.

### **Main Issue**

10. The main issue in both appeals is the effect of the development on the character and appearance of the surrounding area.

### **Reasons**

11. The appeal property lies towards the middle of a short row of two-storey, semi-detached dwellings that are set back by front gardens from an access road which runs parallel to Bridgend Road, a main road into the centre of Porthcawl. The alignment of the highway and the elevated position of the row of houses means that they are readily visible to passers-by, particularly those travelling towards the centre.
12. Each pair of dwellings in the row differ from the other pairs in terms of their detailing. However, the broad uniformity of their set back from the highway and their general form including distinctive hipped roofs combine to provide a pleasing sense of architectural cohesion. The generous length of the front gardens, the prominence of soft landscaping and the roadside stone walls contribute to the attractive composition of the row.
13. The erection of the tall vertically boarded timber panelling along 3 sides of the timber shelter which is located very close to the front boundary of the property has created a harsh and dominant feature. I appreciate that there is a tall close boarded fence along the frontage of nearby No. 5 Clevis Crescent with a timber structure behind it. The Council explain that these works are unauthorised and are subject to ongoing enforcement investigation. In between these high fences, No. 4 has a timber panelled fence along its frontage but at a markedly lower level; the Council explains that it has not been granted planning permission but is lawful because of the passage of time. These other fences are incongruous features in the context of the attractive character I have described. The subject enclosure significantly contributes to the creation of a fortress-like appearance, at odds with the otherwise more open relationship of the frontages of this row of properties, and many others in the vicinity, to the public realm.

14. The garden shed sits closer to the front elevation of the dwelling. It is screened by the fence and shelter to some degree but is prominent when viewed across the wide driveway. It detracts from the principal elevation of the house and together with the other structures means that the front garden is dominated by buildings and other hard surfaces, in stark contrast to most of its neighbours. Both the shelter and the shed appear as incongruous within a front garden; as an objector points out such structures are usually located within the more secluded rear gardens of dwellings. The addition of the proposed car port would exacerbate this impact.
15. I have taken into account the potential to impose planning conditions that would assist in reducing the impact of the development, including, as suggested by the appellant, the application of colour and landscape planting. The extent of potential mitigation would be modest and does not alter my findings on the unacceptability of its local impact.
16. Neither scheme performs well against the detailed guidance in Note 23 of the Council's Supplementary Planning Guidance Note 02: Householder Development. It advises that garages and outbuildings should complement the existing house, should not detrimentally affect the space about the house and should not normally be in front of the house, nor should they dominate the existing and surrounding properties.
17. On the main issue I find that the work, which has included the loss a prominent roadside tree and some other vegetation, has had a marked and detrimental impact on the appearance of this front garden which is harmful to the character and appearance of the area. The scheme runs counter to the aim of Policy SP2 of the Local Development Plan that development should contribute to creating high quality and attractive places by respecting and enhancing local character and distinctiveness.
18. For reasons I have explained, I find the boundary fence harmful to its surroundings. In doing so I acknowledge that compliance with the requirements of the enforcement notice will mean that in an amended form the fence can remain. It is therefore not necessary for me to consider the implications of any permitted development rights for a fence as a potential fallback option.

### **Other Matters**

19. The appellant points out that the timber shed has been on the site for a number of years and has only been re-sited. This does not alter my findings on the impact of the works, which include the effect of the re-positioned shed on its environs.
20. The appellants emphasise that they are committed to following sustainable life-style principles. Whilst this is laudable, particularly in light of the Government's clear commitment to sustainability, most of the points raised in this respect are not relevant to my consideration of the planning merits of this case. I note that the shelter is used to store and charge electric bicycles. However, the associated sustainable transport benefits do not justify permitting the extensive and harmful works.
21. The appellants explain that access to the rear garden is through the house which would be less convenient for the occupiers in terms of locating outbuildings for storage. I also note that the rear garden is used as their main private and safe outdoor amenity area. Such arrangements are commonplace and the personal preferences of the occupiers in this case do not justify the retention of this harmful development within a prominent front garden. Moreover, the appellants have chosen to erect a side extension to the house blocking a pathway that previously provided outdoor access to the rear garden.
22. I have noted that 2 neighbours support the scheme whereas others, and the Town Council, object primarily raising concerns already covered under the main issue.

23. It is not clear to me whether the tree that was removed to facilitate the works was protected by the Tree Preservation Order which covers the front gardens of the appeal site and its neighbours. As the Council states this is, in any event, a matter that it would need to pursue as a separate matter.
24. The harm that I have identified in relation to the main issue constitutes a significant planning impact which outweighs the benefits and other considerations that have been identified by the appellant. I shall therefore dismiss the ground (a) appeal and refuse the deemed planning application, and shall also dismiss Appeal B other than insofar as it relates to the storage tank and raised lawn which I shall allow. Given that the permission is in retrospect the standard time commencement condition and one controlling material are not necessary. As the scheme provides a lawn area I am satisfied that it provides adequate biodiversity enhancement opportunity without the need in this instance for the condition suggested by the Council.
25. In reaching my decision on the deemed planning application, 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 to make our cities, towns and villages even better places in which to live and work.

#### **Ground (f) Appeal**

26. This ground of appeal is that the requirements of the notice are excessive and that lesser steps would overcome the objections. The appellant contends that compliance with requirement (c) would mean that the remaining fence would provide effective screening for the shelter and shed, such that there should be no requirement to secure their removal.
27. For reasons already explained, I have found both structures to be harmful in the context of the existing screening provided by the fence. It follows that the retention of a reduced fence would not justify deleting requirements (a) and (b) given that such a variation to the notice would undermine its purpose which is to remedy the harm to the visual amenity of the area.
28. The appellant further argues that as the notice only requires a 2m section of the side fence to be reduced in height, it would be preferable for the fence to be retained as it presently stands in order that the Council can control its colour and landscape screening. I have already explained that such mitigation would have little effect on its visual impact. As the reduction in part of its height would assist in reducing its prominence, there is no justification for altering the requirement relating to the fence.
29. I am satisfied that there are no lesser steps that could be reasonably imposed that would satisfy the reason for serving the notice. As such this ground of appeal fails.

#### **Ground (g) Appeal**

30. The appellant explains that 2 months is not a sufficient period to reorganise their storage requirements and suggests that a period of at least 4 months would be more appropriate. The Council has confirmed that it is not opposed to extending the time period as suggested. I acknowledge the impact of complying with the notice would have on the domestic arrangements of the appellants and their family and shall therefore extend the period by a further 2 months. Thus the ground (g) appeal succeeds and I shall vary the notice accordingly.

**Conclusions**

31. For the above reasons and having regard to all other matters raised, I conclude in relation to Appeal A that the notice should be corrected to remove references to the plans. I also find that the period for compliance should be extended and shall vary the enforcement notice accordingly, prior to upholding it. I shall refuse to grant planning permission on the application deemed to have been made under section 177(5) of the 1990 Act as amended. I shall dismiss Appeal B in relation to all but the lawn and water tank, which I shall allow without any planning conditions.

*H W Jones*

INSPECTOR

## Appeal Decision

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by Paul Selby BEng (Hons) MSc MRTPI  
an Inspector appointed by the Welsh Ministers  
Decision date: 21-02-2023  
Appeal reference: CAS-02051-R7H6K0  
Site address: 15 West Drive, Porthcawl CF36 3LS

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- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 for the development of land without complying with conditions subject to which a previous planning permission was granted.
  - The appeal is made by C Selfridge-Poor against the decision of Bridgend County Borough Council.
  - The application Ref P/22/205/RLX, dated 30 March 2022, was refused by notice dated 23 May 2022.
  - The application sought planning permission for Conversion of garage and store to a granny annexe without complying with a condition attached to planning permission Ref P/21/420/FUL, dated 13 September 2021.
  - The condition in dispute is No 1 which states that: The development shall be carried out in accordance with the following approved plans (as amended) received 23 July 2021: Proposed Layout - Rev C; Proposed Ground Floor - Rev A; Proposed First Floor - Rev B; Proposed Roof Plan - Rev B; Proposed North Elevations - Rev B; Proposed South Elevations - Rev B.
  - The reason given for the condition is: To avoid doubt and confusion as to the nature and extent of the approved development.
  - A site visit was made on 14 February 2023.
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### Decision

1. The appeal is allowed and planning permission is granted for Conversion of garage and store to a granny annexe at 15 West Drive, Porthcawl CF36 3LS, in accordance with the terms of the application Ref P/22/205/RLX, dated 30 March 2022, without compliance with Condition No 1 previously imposed on planning permission P/21/420/FUL, dated 13 September 2021, and subject to the conditions set out in the schedule to this decision letter.

### Procedural Matters

2. The development has been commenced and the appeal seeks to retrospectively vary Condition No 1 attached to planning permission Ref P/19/371/FUL. The effect of this variation is to substitute the original plans and elevations with an amended design.
3. During the appeal proceedings the appellant has submitted two further options for the design of the scheme ('Option A' and 'Option B'). However, section 78 (4BA) of The Town and Country Planning Act 1990 states that, once notice of an appeal to the Welsh Ministers has been served, the application to which it relates may not be varied except in

circumstances prescribed by a development order. Article 26C of The Town and Country Planning (Development Management Procedure) (Wales) Order 2012 duly confirms that these circumstances are limited to a correctable error which do not affect the substance of the application. This does not describe the two further options submitted by the appellant, which differ materially from the original design and are evolutions of the scheme, not errors. I have therefore not had regard to them in coming to my decision.

### **Main Issues**

4. The main issues are the effect that varying the condition would have on the character and appearance of the area and the living conditions of neighbouring occupants.

### **Reasons**

5. The appeal relates to a detached residential property occupying a prominent corner plot at the junction of West Drive and Eithen Place. The north-eastern part of the plot accommodates a private amenity space which lies to the rear of the detached annex subject to this appeal. The annex, which is currently being constructed, lies adjacent to the property's driveway on Eithen Place, and adjoins the shared boundary with the neighbouring property of 'Brandon'.

### *Character and appearance*

6. The annex lies in the gap between the appeal dwelling and Brandon and juts notably forward of both neighbouring dwellings. Its siting differs markedly to that of other ancillary buildings in the immediate area, which tend to be sited to the rear of principal elevations. It is consequently perceived as a prominent feature on Eithen Place from several nearby vantagepoints, including from the public promenade on West Drive.
7. The amended design subject to this appeal would not, however, alter the siting of the annex. Instead, the alterations would relate principally to the annex's roof form and fenestration, including a proposed balcony. Given that the existing planning permission represents the appellant's 'fallback' position, my assessment is limited to the effects of the amended scheme relative to the permitted development.
8. The Council has adopted Supplementary Planning Guidance ('the SPG') entitled 'SPG 02 Householder Development'. The parts of this guidance which are relevant to this appeal are in general accord with policy SP2 of the Bridgend Local Development Plan (LDP) and as such I afford them significant weight.
9. Amongst other things the SPG notes that garages and outbuildings should be sited and designed so as to complement the existing house. The appearance of the permitted design, and particularly the hipped roof form, is clearly reflective of its host dwelling. Nonetheless, whilst several nearby properties feature hipped roofs, there are also many examples of gabled and pitched roof forms within visual range, some of which occupy prominent positions within the street scenes of Eithen Place and West Drive. Although gables nearby tend to front onto streets, the orientation of the annex's proposed roof form would respond effectively to its siting, acceptably moderating its apparent mass onto Eithen Place in a manner not dissimilar to the permitted design. The proposed roof form would consequently not appear as an incongruous element of the street scene.
10. The overall mass of the proposed roof form would not be perceived as markedly more capacious to that already permitted, with an adequate gap left between the annex and the host dwelling and Brandon at first floor level. The altered design would also remove the permitted scheme's awkward roof overhang, to my mind lessening the annex's apparent bulk when seen from Eithen Place, with moderately beneficial visual effects. Whilst the balcony and glazed gables would depart from the design of the host dwelling,

given the seafront context and prevalence of first floor balconies elsewhere on West Drive and Eithen Place, these would not appear as jarring features.

11. Consequently, I consider that the extent to which the proposed design would complement the host dwelling would not differ markedly to that already permitted. Whilst its design would diverge from that of the host dwelling, given the broader context its form would not appear unsympathetic or of any notably greater prominence than the permitted design.
12. For the above reasons I conclude that varying Condition No 1 would not harm the character and appearance of the area. It would therefore accord with the objectives of LDP policy SP2 to exhibit a high quality of design whilst respecting and enhancing local character and distinctiveness, and with the general aims of the SPG and national policy.

#### *Living conditions*

13. Amongst other things, the SPG advises that outbuildings or extensions should avoid adverse effects on nearby properties. To avoid unreasonably dominating the outlook from neighbouring dwellings, the SPG advises that extensions should not rise higher than a line 25 degrees to the horizontal from the mid-point of affected windows or be positioned closer than 10.5 metres from those windows.
14. The amended design would feature a side gable incorporating an obscure glazed window extending up to the eaves. This gable would be positioned close to the boundary shared with the neighbouring property of Brandon, albeit at an oblique angle. The change in the design, from a hipped to gabled roof form, would have the effect of increasing the perceived first floor bulk of the annex when viewed from Brandon, particularly near to the front of the plot. Nonetheless, this effect would be experienced principally from Brandon's side driveway and from certain windows which face directly or obliquely towards the appeal site. The outlook experienced from other parts of the property, including rear- or street-facing windows, would be little affected. There would also be little effect on the quality or extent of outlook available from other nearby properties.
15. Having regard to the submitted evidence, I am satisfied that the appeal building would not infringe the 25 degree 'test' outlined in the SPG. Whilst its gabled flank would lie less than 10.5m from windows in Brandon, the SPG notes that this is not a rigid definition of unreasonable dominance and relates mainly to the outlook from windows in the front or rear of an adjacent house. As the appeal scheme would primarily be visible from a limited number of side-facing windows in Brandon, I do not consider that unreasonable dominance would occur in this case.
16. The gable feature window would be readily apparent from some south- and east-facing windows in Brandon, and from its driveway. However, having regard to its siting facing a neighbouring driveway in a manner similar to other side-facing windows on Eithen Place, I do not consider that this window would appear as a harmfully imposing feature from the neighbouring property.
17. The Council has not raised concerns in relation to privacy impacts. The plans indicate that the window in the gable would feature obscure glazing and, subject to the imposition of a suitably worded condition to secure a non-opening obscured glazed window, I have no reason to come to a different view. The adequate separation distance between the annex and the dwelling of Brandon, and the proposed pitched roof form, would also ensure that a harmful reduction in the level of sunlight or light received in the adjacent property would not arise.
18. For the foregoing reasons I conclude that the proposal would not harm the living conditions of nearby occupants and would therefore accord with LDP policy SP2 which seeks, amongst other things, to ensure that the amenity of neighbouring occupiers will

not be affected. For the same reasons it would also accord with the general thrust of the SPG and national policy.

### **Other Matters**

19. The variation to the condition would not materially alter the potential occupancy of the appeal property and, as consequence, would have little effect on parking or highway safety. Whilst I note the allegations made about the appellant's motivations, I must determine the appeal on its merits. I afford these matters little weight.
20. I have considered the other matters raised, including evidence submitted in relation to the appellant's personal circumstances, but as I have found in relation to the main issues that varying the condition would not result in harmful effects, these matters are not determinative and I do not go on to consider them in any further detail here.

### **Conditions**

21. The Welsh Government's 'Development Management Manual' states that decision notices for the grant of planning permission under section 73 should repeat the relevant necessary conditions from the original decision notice. I have considered the conditions attached to the original planning permission, those suggested by the Council, and the reasons given, in light of the advice of Circular 016/2014 'The Use of Planning Conditions for Development Management'. I have adjusted the wording where necessary, and with reference to relevant policies of the LDP.
22. For the reasons already stated I have imposed a condition to permanently secure an obscure glazed, non-opening window in the side-facing gable. A new condition (No 5) to require the submission and implementation of ecological enhancement is necessary to accord with policy 9 of Future Wales, which forms part of the statutory development plan.

### **Conclusion**

23. For the reasons given above I conclude that the appeal should be allowed. I will therefore grant a new planning permission by varying Condition No 1 and imposing other necessary conditions.
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 to make our cities, towns and villages even better places in which to live and work.

*Paul Selby*

INSPECTOR

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### **SCHEDULE OF CONDITIONS**

- 1) The development shall be carried out in accordance with the following approved plans and documents: Location Plan (Ref: PRJ003-PR-10-000), Existing and Proposed Site Plans (Ref: PRJ003-PR-10-001), Proposed Floor Plans (Ref: PRJ003-PR-10-002),



Proposed and Granted Roof Plans (Ref: PRJ003-PR-10-003), Mezzanine Floor Markup (Ref: PRJ003-PR-10-004), Proposed North and South Elevations (Ref: PRJ003-PR-30-001), Proposed East and West Elevations (Ref: PRJ003-PR-30-002), Proposed and Granted Floor Plans (Ref: PRJ003-PR-30-003), Proposed and Granted Elevations Sheet 1 (Ref: PRJ003-PR-30-003), Proposed and Granted Elevations Sheet 2 (Ref: PRJ003-PR-30-004), Proposed and Granted Elevations Sheet 3 (Ref: PRJ003-PR-30-005).

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

- 2) The building hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as 'Sea House' 15 West Drive and shall not be used for any commercial, letting or separate holiday accommodation purposes at any time.

Reason: For the avoidance of doubt as to the extent of the permission granted and to ensure that the Local Planning Authority retains effective control over the use of the building in the interests of residential amenity and highway safety, in accordance with policies SP2 and SP3 of the Bridgend Local Development Plan.

- 3) The parking area shall be completed in permanent materials in accordance with the approved layout details prior to the development being brought into beneficial use and retained thereafter for the purpose of parking in perpetuity.

Reason: In the interests of highway safety, in accordance with policy SP3 of the Bridgend Local Development Plan.

- 4) Before the development hereby permitted is brought into use, the window on the east elevation shall be fitted with obscured glazing, details of which shall first be submitted to and agreed in writing by the Local Planning Authority, and any part of the window that is less than 1.7m above the floor of the room in which it is installed shall be non-opening. The window shall be permanently retained in that condition thereafter.

Reason: In the interests of the amenity of neighbouring occupants, in accordance with policy SP2 of the Bridgend Local Development Plan.

- 5) Within two months of the date of this permission, a scheme of biodiversity enhancement measures shall be submitted to and approved in writing by the Local Planning Authority. The agreed enhancement measures shall be implemented in accordance with the approved scheme and retained thereafter for the lifetime of the development.

Reason: To provide a net benefit to biodiversity, in accordance with Policy 9 of Future Wales.



## Appeal Decision

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by Paul Selby BEng (Hons) MSc MRTPI

an Inspector appointed by the Welsh Ministers

Decision date: 28/02/2023

Appeal reference: CAS-02058-H2T2R2

Site address: Units 1A and 2A Heol Ffaldau, Brackla Industrial Estate, Bridgend CF31 2AJ

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- 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 James Barber against the decision of Bridgend County Borough Council.
  - The application Ref P/21/988/FUL, dated 29 October 2021, was refused by notice dated 26 May 2022.
  - The development proposed is change of use from B1/B2 to D1 (Health Clinic).
  - A site visit was made on 14 February 2023.
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### Decision

1. The appeal is dismissed.

### Procedural Matter

2. Whilst the description of development seeks a change of use to a “health clinic” within the D1 use class, it is specifically a chiropractic clinic which would be the intended use. I have considered the appeal on this basis.

### Main Issues

3. The main issues in this case are:
  - Whether the proposal is justified in the light of local and national policy which seeks to resist the unjustified loss of existing employment sites and avoid adverse impacts on designated retail and commercial centres,
  - The effect of the proposal on the safety of highway users, and
  - Whether the proposal would occupy a sustainable location accessible by a range of transport modes.

### Reasons

4. The appeal relates to two currently vacant units which form part of a single storey development of starter units in the B1/B2 and A3 use classes. The building is located at the junction of Heol Ffaldau and Wyndham Close and lies within the Brackla Industrial Estate. The development is served by two separate parking areas, one of which lies in front of the appeal building and is accessed from Wyndham Close.

### *Employment land and retail centres*

5. Policy REG2 of the Bridgend Local Development Plan (LDP) seeks to protect land or buildings in existing employment (B1, B2 and B8) use in certain locations but makes

specified exceptions, including, in appropriate locations, uses regarded as complementary and/or ancillary to the main use of the land for industrial purposes. As the appeal proposal would represent a loss of class B floorspace within a designated employment location (the Brackla Industrial Estate), policy REG2 applies.

6. LDP policy SP2 seeks, amongst other things, to secure development which contributes to creating sustainable places and complies with all relevant national policy and guidance. As it is proposed to establish new D1 floorspace in an out-of-centre location, section 4.3 Planning Policy Wales Edition 11 (PPW) is relevant in this case. This sets out tests intended to secure the role of retail and commercial centres designated in LDPs as the best location for most retail, leisure, and commercial activities.
7. The Council has adopted Supplementary Planning Guidance entitled 'SPG21 Safeguarding Employment Sites' ('SPG21') which provides further advice on the application of policy REG2. I consider the parts of this SPG which are relevant to the appeal scheme to be in general accordance with policy REG2, and with national policy, including PPW. I therefore afford it significant weight.
8. SPG21 notes that non-B uses which may be acceptable on protected employment sites are likely to provide a service to employees and their clients and therefore contribute to the efficiency of the employment site. SPG21 also sets out advice on determining whether a proposed use may be considered "complementary and/or ancillary", including in relation to potential impacts on nearby retail centres.
9. In support of the latter, the appellant has submitted a sequential assessment of sites within Bridgend town centre and edge-of-centre locations. Notwithstanding the absence of any evaluation of need for additional D1 floorspace, the level of commentary provided in this evidence is insufficiently detailed and does not compellingly demonstrate that there are no premises located within designated centres which could reasonably accommodate the proposed use. For example, whilst some customers may require nearby parking and accessible premises, there is no evidence that the viability of the business would be jeopardised without level adjacent parking or lift access. I consequently attach only limited weight to this evidence and conclude that the proposal would harm the vitality and viability of designated retail and commercial centres locally.
10. The proposed D1 use would be limited in scale and located near to the edge of the industrial estate, adjacent to existing units in the A3 or B1/B2 use classes. In this regard I accept that the proposal would not jeopardise the primary industrial function of the estate or adversely affect neighbouring uses. However, whilst I do not doubt that the proposed chiropractic clinic could benefit staff employed on the estate, and note the letters of support from local employers in this regard, there is little to indicate that employees or patrons of the Brackla Industrial Estate would comprise a notable proportion of the clinic's likely client base. To my mind this plainly sets the proposed use apart from the other examples of non-B uses listed in the LDP and SPG21, the identification of which reinforces the likely intention of criterion (1) of policy REG2 to allow non-B uses intended to cater for employees or patrons of a designated employment site. In this regard I also consider that the proposed use would differ materially from the A class uses established in the neighbouring units.
11. Whilst I do not dispute that other D1 and D2 class uses may have been permitted on industrial estates within the County Borough, from what I saw on my site visit the Brackla Industrial Estate retains a distinctly industrial role and function, and which the LDP seeks to protect by seeking to provide a broad portfolio of sites and premises for a range of sectors. In any case, I am not aware of the circumstances which led to these other uses becoming established. Based on the submitted evidence I therefore find that the proposal

would not be ancillary and/or complementary to the main use of the land for industrial purposes and would therefore conflict with policy REG2.

12. The appellant has supplied evidence of current vacant class B1/B2 sites and premises within the County Borough, several of which have been marketed for a significant period. This is supplemented by market testimony which confirms that there is no major shortage of office floorspace locally. I am also informed that the units subject to this appeal have been actively marketed since May 2020 but have remained vacant since completion. However, all currently vacant land/units included in the appellant's analysis are greater in scale than the starter units on the appeal site, in many cases substantially so, and would therefore be likely to appeal to a different section of the market. Despite the lack of take up for the starter units in question since they were completed, the premises are built to modern standards and the property agent's testimony indicates that the local office sector is buoyant. Consequently, I do not consider this information to offer compelling evidence that the particular market for which the units are intended to cater for is oversupplied, or that the units currently have poor prospects of being occupied for the permitted use. Whilst I afford this market evidence moderate weight, it does not outweigh the conflict with policy REG2.
13. Policy PLA3 of the LDP allocates the North East Brackla Regeneration Area for regeneration and mixed use schemes. Whilst the appeal site falls within this allocation, given my findings on the condition and potential market demand for the units in question, and the conflict with criterion (1) of policy REG2, I do not consider the appeal site to be under-utilised, or that the proposal would provide an appropriate mix of land uses. I therefore find that the proposal would conflict with the aims of this policy.
14. The proposed change of use would not preclude the units from reverting to B1/B2 use in the future. I also recognise the potential health and productivity benefits of the proposal to local employees, employers and the wider community. These matters do not, however, outweigh the identified harm to designated retail and commercial centres and the Brackla Industrial Estate, and the resulting conflict with policies SP2, REG2 and PLA3 of the LDP, or with the general aims of SPG21 and PPW.

#### *Highway safety / Sustainability of location*

15. There are 6 marked spaces provided in the parking area outside the units in question. These are intended to serve the appeal premises and adjacent units and are accessed from Wyndham Close. The appellant contends that the proposal would generate demand for 3 parking spaces, to cater for 1 practitioner, 2 part-time receptionists whose shifts would not overlap, and 1 patient. The appellant asserts that one customer parking space would be sufficient as patients would need to adhere to appointment times which would be spaced 15 minutes apart.
16. The Council's 'SPG17 Parking Standards' Supplementary Planning Guidance (SPG17) provides advice on the application of LDP policy PLA11, which requires development to provide appropriate levels of parking. Using the standards expressed in the SPG17 as a benchmark, the Local Highway Authority estimates that, in B1/B2 use, the two units subject to this appeal would generate demand for around 2 spaces, whereas the proposal would generate a need for 5 off-street parking spaces, to cater for patients, 1 practitioner and up to 2 ancillary staff.
17. Notwithstanding the above, PPW indicates that parking standards should be applied flexibly, to allow for the provision of lower levels of parking. It also states that parking provision should be informed by the local context, including public transport accessibility, urban design principles and the objective of reducing reliance on the private car and supporting a modal shift to walking, cycling and public transport.

18. The appeal site is located within the major settlement of Bridgend and is accessible from footways on Wyndham Close and Heol Ffaldau. Direct and convenient walking and cycling routes to nearby residential areas are, however, hampered by somewhat poor permeability through the Brackla Industrial Estate. Whilst there is a bus stop within walking distance, I have no reason to disagree with the Council that service frequencies are considerably limited. Having regard to the potentially wide catchment area of the practice, I therefore consider it likely that most customers would rely on private vehicles to access the clinic.
19. Similar constraints would also apply to employees accessing the currently permitted B1/B2 use. However, as a chiropractic practice would rely on customers travelling to and from the site throughout the day, it seems to me that the overall trip generation of the proposed use would be greater than that permitted. Consequently, the location of the proposed use would be contrary to the objective of policy SP2 for developments to have good walking, cycling, public transport and road connections within and outside sites to ensure efficient access.
20. Notwithstanding this, I am not persuaded that the proposal would lead to a level of overspill parking which would harm the safety of highway users or prejudice the functioning of neighbouring businesses. Given the limited scale and specific nature of the proposed use, I consider the appellant's forecast in relation parking demand to be rationally founded. Whilst customers could overlap, incidences of parking on the highway would likely be infrequent and limited in duration. I saw on my site visit that works appear to have been carried out at the nearby junction to moderate traffic speeds, with sufficient sight lines available along Heol Ffaldau and at the bend on Wyndham Close to enable traffic, including HGVs, to safely pass any vehicles temporarily parked on the highway, and for customers, visitors and staff to safely turn into or out of the parking area adjacent to the appeal site. I therefore conclude that the proposal would be acceptable in highway safety terms and would accord with LDP policy PLA11 and the aims of SPG17 and PPW.

## **Conclusion**

21. For the stated reasons I have found that the proposal would not harm the safety of highway users. This does not, however, outweigh the identified conflicts with LDP policies SP2, REG2 and PLA3.
22. Whilst I have had regard to the other matters raised, including the letters of support from various parties, none alter my decision. For the above reasons I conclude that the appeal should be dismissed.
23. 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 to make our cities, towns and villages even better places in which to live and work.

*Paul Selby*

INSPECTOR



## Appeal Decision

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by R H Duggan BSc (Hons) DipTP MRTPI

an Inspector appointed by the Welsh Ministers

13.03.2023

Appeal reference: CAS-02102-T9M5R1

Site address: Land to the north and east of Cypress Gardens, Newton, Porthcawl CF36 5BZ

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- 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 C. H Knight & Partners against the decision of Bridgend County Borough Council.
  - The application Ref P/20/729/OUT, dated 25 September 2020, was refused by notice dated 3 February 2022.
  - The development proposed is described as “*Residential development, together with car parking, landscaping and ancillary works*”.
  - A site visit was made on 2 March 2023.
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### Decision

1. The appeal is dismissed.

### Procedural Matters

2. The application was made in outline with all matters, except access, reserved for future consideration. Therefore, all aspects relating to the layout and design of the development have been treated as indicative.
3. The Council’s 6<sup>th</sup> reason for refusing the planning application referred to insufficient information being submitted to fully assess the likely archaeological impacts of the proposed development. However, following the refusal of the planning application the Appellant has undertaken further archaeological investigations which revealed that there no archaeological finds, features or deposits on the site and as such it is considered to be of low archaeological potential. On the basis of the additional information, the Council has confirmed that refusal reason 6 is not being contested at the appeal stage. Therefore, I shall not address this issue within my decision.

### Main Issues

4. I consider the main issues to be the impact of the development on the character and appearance of the area and on highway safety.

## Reasons

### *Character and appearance*

5. The appeal site is situated broadly on the eastern edge of Newton approximately 1.5 miles from Porthcawl town centre. It lies outside the settlement boundary as defined by Policy PLA1 of the Adopted Bridgend Local Development Plan 2006 – 2021 (LDP). Policy PLA1, Strategic Policy SP12 and Policies COM1 and COM2 of the LDP make provision for new housing in the County by concentrating development within development boundaries in a variety of locations with the role and function of settlements set out in the settlement hierarchy. A number of housing allocations have been made to ensure the provision of a range of housing sites to reflect local need and demand. Since the appeal site is not allocated in the LDP and falls outside of the settlement boundary and thus, by definition, is in the countryside, its development would conflict with the aims of the LDP development strategy.
6. The appeal site is an open and undeveloped area of scrubland interspersed with trees bounded to the south by the houses along Cypress Gardens. A public right of way runs along the northern boundary of the site, beyond which is a linear belt of vegetation consisting of undergrowth and mature trees which separates the site from the rear gardens of the houses to the north along Lime Tree Way and west along The Burrows. The eastern boundary is defined by the sand dunes and associated vegetation of the Merthyr Mawr Warren Special Landscape Area (SLA9). The public footpath that runs along the site links with the wider footpath network that crosses the adjacent sand dunes towards the Wales Coast Path which passes the site approximately 350 metres to the south.
7. Whilst acknowledging the illustrative drawings that accompany the outline application, the site could accommodate up to 20 dwellings comprising a mixture of detached and link/terraced units that would be spread across the site in a linear form, with a central spine road providing access from an existing turning head on Cypress Gardens.
8. The Appellant has submitted a Landscape Character and Visual Impact Assessment, February 2020 (LCVIA) which confirms that the appeal site is located within a Special Landscape Area (SLA 9 Merthyr Mawr Warren) which is one of two important sand dune landscapes found in Bridgend County Borough. The LCVIA refers to the visual and sensory element of the LANDMAP assessment of SLA9, and states that this area has been classified as outstanding value and consists of an unspoilt, unique area of sand dunes with attractive views and a strong sense of place.
9. The LCVIA concludes that *“due to the natural topography of the area combined with intervening residential development, the visual envelope of the site is generally restricted and the proposed development would be well screened from the majority of surrounding public viewpoints. Furthermore, as the surrounding residential properties are already clearly visible, glimpses of additional dwellings will not be out of context and the development will not be visually incongruous”*.
10. The Appellant has submitted an additional Landscape Statement in respect of landscape and visual impact and states *“the development would be viewed in the context of the existing properties that envelope the site. Whilst any proposed residential development would change the character of the site itself, the site would represent a logical rounding off of development and would therefore be in keeping with the wider landscape character of Newton”*.
11. The Appellant also draws my attention to the conclusions of the Inspector who assessed the site as part of the examination into the Unitary Development Plan which preceded the

current adopted LDP. I note the Inspector's assessment that the site is surrounded on three sides by housing development, almost enclosed by residential development and different in character from the open land immediately to the east. However, those comments were made in relation to a significantly smaller site and an illustrative plan showing how four dwelling could be accommodated on the site, rather than larger development currently being put forward on the appeal site.

12. Whilst I have taken into account the findings of the LCVIA, the open and undeveloped character of the appeal site as a land parcel contributes positively to what is a prevailing rural and tranquil feel to this edge of settlement location. One could legitimately argue that the appeal site is within an area identified as 'urban fringe' surrounded by built form on three sides. However, in character and appearance terms I consider that it relates clearly and positively to the distinct appearance of the sand dunes and open land to the east. It is more akin to a 'green wedge' of open and undeveloped land that brings the open countryside around and into this part of the settlement.
13. It is a highly accessible parcel of land with a public footpath running across the boundary of the appeal site, and the route appears to be well used as a link between the houses on Cypress Gardens and Lime Tree Way and the rest of the settlement to the north and west. Those using the footpath have uninterrupted views of the appeal site as they walk towards the sand dunes. There is a definite tranquil feel to the experience of walking along the footpath, and even though there is housing close to the appeal site it is a location where one can appreciate more the quality of the site against the open backdrop of the dunes to the east and down towards the south. At the eastern section of the appeal site, you garner a strong sense of place and individual identity from this point, being able to appreciate the context of the undulating forms of the sand dunes of the Merthyr Mawr Warren SLA and the quality of its visual and landscape relationship to the edge of the urban area.
14. The proposed development, together with the infrastructure including the roads and street lighting, as well as the domestic paraphernalia associated with residential use would significantly harm these characteristics which has been classified as outstanding value within the LANDMAP assessment. The change, which would be permanent, would be noticeable from the entire length of the footpath running close to and along the whole northern boundary of the site and then from the elevated dunes to the east.
15. The wider findings of the appellant's LCVIA are noted and indeed I do not dispute that they are based on detailed background assessments of landscape character and quality, drawing on undebated baseline evidence. For all intents and purpose, I agree that the site is surrounded on three sides by housing development and is an area of land on the edge of the settlement. However, it does not automatically follow that development on it would be acceptable. As I have set out above, there are a number of factors that would, together, result in harm to the character and appearance of the area.
16. Having regard to the above, I conclude that the development would have a harmful impact on the character and appearance of the area and would conflict with Policies PLA1, SP2, ENV1 and ENV3 of the Adopted LDP.

#### *Highway safety*

17. The main point of vehicle access into the appeal site would be from Cypress Gardens via the existing turning head between No's 7, 8 and 9 Cypress Gardens. The access road would continue into the site forming a central spine road which would serve the proposed development with secondary, private drives coming off the main access road.



18. The Appellant has prepared a Transport Assessment (TA) to quantify the impact of the development on the local highway network. The TA concludes that the existing highway network can satisfactorily accommodate the additional traffic arising from the proposed development without resulting in any significant impacts. In response to concerns raised by the Council's highways department regarding the capacity of the junctions leading to the site, the Appellant submitted two technical notes (May and July 2021) as addendums to the original TA. These show that the impact of the proposed development when added to the already consented developments in the area along with the existing traffic will not detrimentally impact the junctions of concern. As a result of the additional junction modelling, the Council's highways department has confirmed that it is satisfied in the respect of likely traffic generation from the development and the impact on local junction capacities.
19. Notwithstanding this, the highways department continues to raise concerns with the current narrow width, layout and intensification of use of Cypress Gardens, and the potential for hazardous vehicular manoeuvres within the carriageway close to the new junction into the new development.
20. I saw that the carriageway width along Cypress Gardens is narrow, and this is especially the case for the length of road passing No's 2 and 3. There is also a relatively sharp bend in the road adjacent to No's 4 and 11 resulting in very poor forward visibility when travelling in both directions along Cypress Gardens. During my site visit I also saw that a number of cars were parked on the street partly across the carriageway and the pedestrian footpath, which reduced the carriageway width further and exacerbated the visibility problems along the estate road. Indeed, I was forced to stop suddenly on two occasions when travelling along the road as I met cars in the middle of the road as they manoeuvred around these parked cars. Whilst two cars would be able to pass at this point, albeit with significant care, it seems less likely that two larger vehicles would be able to pass so readily. I accept that the level of on-street parking is just a snapshot of the conditions at the time of my visit and that different times of day conditions will be different. Nevertheless, my observations confirm the concerns of the Council's highways department.
21. The Appellant states that Cypress Gardens is "*a lightly trafficked, low speed environment. Drivers will be aware of the likelihood of 'unexpected' vehicle movements, e.g. vehicles emerging from driveways, as well as other road hazards which are normal in an environment such as this e.g. cyclists, pedestrians, pets etc and would be travelling at a speed and awareness level appropriate to the setting.*" I would agree to some extent that the narrow width and current layout of Cypress Gardens would encourage vehicles to travel at lower speeds, especially for residents who are aware of the carriageway restrictions and low forward visibility. However, one cannot be sure that this would be the case for visitors to the estate, such as delivery vehicles, who would be unfamiliar with the layout of the road and especially the narrow length of road adjacent to No's 2 and 3 Cypress Gardens, thus leading to potentially hazardous conflict with on-coming vehicles and other road users such as cyclists and pedestrians.
22. I acknowledge that Manual for Streets (MfS) and Manual for Streets 2 (MfS2) encourage road layouts to include carriageway narrowing and bends to force vehicles to travel at lower speeds, and that there is no evidence of road safety problems along Cypress Gardens to suggest that the existing design is sub-standard. I also accept that the sub-standard nature of the road must be navigated on an existing basis by the vehicular movements associated with the properties which already traverse Cypress Gardens daily. Furthermore, I recognise that the proposed development would proportionately result in only a comparatively limited further increase in the number of vehicular

movements. However, whilst speeds are identified as being comparatively low, I observed some considerable variation in the speed by which vehicles travelled along the estate road. I also consider it unreasonable to assume that all users of Cypress Gardens or surrounding roads would exercise the same heightened levels of care and familiarity as neighbours or residents.

23. I do not consider that the level of existing use and limited increase presents adequate justification to further exacerbate the risk to highway safety which would be represented by a further intensification of the use of Cypress Gardens. I find the significance of the limitations of the existing road layout to be the central determinant in assessing matters of highway safety in connection with the proposed development, and that the characteristics of the road poses an inevitable risk to highway safety and the free flow of traffic.
24. In reaching my conclusions, I have had careful regard to the technical submissions by the Appellant. However, whilst I have had regard to the absence of evidence of recorded injury accidents, I do not accept that this must automatically lead to the conclusion that the layout of Cypress Gardens is therefore inherently safe. The characteristics of the road layout are such that any ensuing manoeuvres to avoid conflict between vehicles would have the potential to compromise highway safety for the reasons set out.
25. With regard to the proposed new junction into the proposed development adjacent to No's 8 and 9 Cypress Gardens, the highways department is concerned that cars would reverse out from No. 9 into the bell mouth of the junction rather than the existing turning head, thus causing a hazard to passing or oncoming vehicles. In seeking to address this issue, the Appellant states that the proposed layout will not be dissimilar to many other cul-de-sac arrangements whereby the route continues through a 90 degree bend, with a turning head/driveway in front of them. The Appellant goes on to state that there are several present within Porthcawl itself, for example at Parc-Y-Berllan, and a review of PIA data at this location does not indicate that this arrangement has resulted in any safety issues.
26. Notwithstanding the Appellant's evidence in this regard, in my experience, it is rare that direct parallels can be drawn between individual schemes because local circumstances often vary, including the design, layout and alignment of roads and junctions especially within older housing estates such as Cypress Gardens. In this case, I consider that the limitations to the layout of the existing road leading up to the new access, especially the forward visibility for vehicles travelling towards the new access, would lead to potential conflict with cars reversing out from the driveway of No. 9 and into the new junction. Given the close proximity to the junction and narrow width of the carriageway such manoeuvring has significant potential to prevent vehicle passing and cause vehicles to wait in the carriageway close to the junction. Furthermore, those manoeuvres would be in close proximity to users of the adjacent footway at the mouth of the junction.
27. In addition, the creation of the new junction within the existing turning head requires the proposed footway in front of no.9 Cypress Gardens to be narrowed significantly, to the point where wheelchairs and pushchairs would be forced to enter the carriageway. Moreover, there is no room for a fully dedicated footway along this section of the road which is an additional risk for pedestrians or people with mobility scooters or pushchairs. This would be intimidating for any pedestrians who would have to retreat to a place of safety.
28. I note that MfS2 says streets without conventional footways may be appropriate where traffic speeds are low, and the area operates on 'shared space' principles such as in town or village centres. Paragraph 7.2.8 of MfS identifies that the key aims of shared surface schemes include encouraging low vehicle speeds; making it easier for people to move

around; and creating an environment in which pedestrians do not feel intimidated by motor traffic. Whilst the characteristics of Cypress Gardens potentially encourage low traffic speeds, the restricted width of the footway adjacent to No. 9 would mean pedestrians would not always be able to move freely along the footway, and would, from time to time, come into conflict with vehicles resulting in an unacceptable impact on highway safety. Occupants of the development may also be discouraged from making sustainable transport options to access local services, or onward public transport, due to the inherent inconvenience and dangers of walking or cycling in Cypress Gardens.

29. On the basis of the evidence before me, I am not satisfied that it has been shown that the new junction would operate in a safe manner, taking into account the existing road layout of Cypress Gardens and the potential for dangerous manoeuvres as cars reverse out from No. 9. Nor has it been shown that if the development were to proceed there would not be an unacceptable impact on pedestrian safety in this location.
30. For the reasons set out above, I am satisfied that the proposed development would result in an adverse impact on highway safety, in conflict with Policies SP2 and SP3 of the LDP.

#### Other matters

31. The Appellant states that due to the Council's undersupply and delivery of housing over the current development plan period and the urgent need for new housing in the County, the appeal development would provide an opportunity to deliver new homes for the County.
32. On 26 March 2020 the Minister for Housing and Local Government announced that with immediate effect, the five-year housing land supply policy in Planning Policy Wales (PPW) had been replaced by a policy statement making it explicit that the housing trajectory, as set out in adopted Local Development Plans would be the basis for monitoring the delivery of development plan housing requirements as part of LDP Annual Monitoring Reports. The Minister also revoked Technical Advice Note (TAN) 1: Joint Housing Land Availability Studies.
33. Nonetheless, the primary objective of national policy to ensure that the planning system contributes towards the delivery of sustainable development remains extant. Indeed, PPW advocates a presumption in favour of sustainable development in accordance with the development plan, unless material considerations indicate otherwise. This is to ensure that social, economic, cultural and environmental issues are balanced and integrated and is consistent with the thrust of Section 38(6) of the Planning and Compulsory Purchase Act (2004).
34. The changes to PPW and revocation of TAN1 have not reduced the importance of delivering new housing, but the way delivery is planned, measured and monitored. PPW states that the planning system must identify a supply of land to support the delivery of the housing requirement and focus on the delivery of the identified housing requirement. Paragraph 4.2.10 of PPW expands on this, stating that the supply of land to meet the housing requirement proposed in a development plan must be deliverable, with the ability to deliver such requirements demonstrated through the use of a housing trajectory. Under delivery against a trajectory may require a specific early review of the development plan, and LPAs should also identify where interventions may be required to deliver the housing supply, including for specific sites. The Welsh Government's (WG) 'Development Plans Manual' (DPM) provides additional guidance on the process of monitoring against the housing trajectory for LDPs adopted prior to its publication. Specifically, it advises that a trajectory should plot completions on a graph against a straight line of the LDP's Annual Average Requirement (AAR). This is a clear indication that the WG is committed to

ensuring that the planning system delivers the housing that Wales needs and that under delivery is a material consideration.

35. The Council's LDP Review Report (2018) recognised an urgent need to address the shortfall in the housing land supply through the identification of additional housing sites. In the latest Annual Monitoring Report (1 April 2021 – 31 March 2022) the cumulative average annual housing requirement from the start of the plan period to 31 March 2021 was 9,690 units, with actual completions of 6,770 dwellings within the plan period. This represents a 2,920 dwelling shortfall in housing delivery over the plan period (-30%). This annual and cumulative shortfall in housing delivery is recognised by the Council in its appeal submissions, and I have afforded this significant weight in the determination of the appeal proposals.
36. The Examination of the Replacement LDP commenced on Tuesday 28 February 2023. The weight to be attached to an emerging LDP does not necessarily increase as it progresses to adoption, and the emerging LDP is still at a relatively early stage and has to date not gained sufficient certainty through the examination process. The housing requirement, housing trajectory and LDP strategy are yet to be fully tested at examination, as a result, I cannot be certain that they are sound. Nevertheless, it would appear that the Council could have an adopted replacement LDP in place by the end of 2023 which is not too far away. Therefore, I consider that the likelihood of a plan led solution to the shortfall in housing delivery in the next 8 to 12 months means that the weight to be given to the under delivery of housing is significant, but does not in itself justify the grant of planning permission in this case.

## Conclusions

37. The provision of much needed housing, and in particular affordable housing which the Appellant is willing to secure through a Section 106 Agreement to meet the shortfall in the County Borough, would provide significant benefits. This is even more pertinent set against the background that there has been a severe lack of housing delivery over the Development Plan period. As such this site would make a contribution of approximately 20 dwellings to the housing supply to which I have attributed significant weight.
38. In addition, a development of this scale will in the short term bring economic benefits through construction, with further social and economic benefits later on, to which I afford moderate weight in considering my decision. I also acknowledge the sustainability credentials of the site and its close proximity to the settlement and its associated services and facilities. Whilst I have taken these benefits into account in my decision and carefully considered the various arguments made by the Appellant in support of the appeal, I conclude that together, they do not clearly outweigh the harm the scheme would cause to the character and appearance of the area and to highway safety, which are compelling reasons to dismiss the appeal.
39. Having regard to the above and considered all other matters raised by the Appellant and interested parties, I conclude that the appeal should be dismissed.
40. 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 objectives of building a stronger, greener economy as we make maximum progress towards decarbonisation, making our cities, towns and villages even better places in which to live and work and embedding our response to the climate and nature emergency in everything we do.

Ref: CAS-02102-T9M5R1

*R. Duggan*

INSPECTOR



## Appeal Decision

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by Paul Selby BEng (Hons) MSc MRTPI

an Inspector appointed by the Welsh Ministers

Decision date: 21/02/2023

Appeal reference: CAS-02130-Q2Z4J5

Site address: Land between Pyle Road and Fulmar Road, Nottage, Porthcawl CF36 3TA

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- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 for the development of land without complying with conditions subject to which a previous planning permission was granted.
  - The appeal is made by Roy Derrick against the decision of Bridgend County Borough Council.
  - The application Ref P/21/909/RLX, dated 22 September 2021, was refused by notice dated 20 May 2022.
  - The application sought planning permission for Proposed conversion (including extensions) of 2no. stone barns and associated land to 2no. dwellings with private garden space and a courtyard area accommodating associated parking spaces without complying with conditions attached to planning permission Ref P/19/371/FUL, dated 25 July 2019.
  - The conditions in dispute are Nos 1 and 4 which state that:
    - (1) The development shall be carried out in accordance with the "Site Location Plan" and drawing numbers "DRG/PRP/SITEBLOCKPLAN/GA/BPO REV A", "DRG/PRP/FF/ELEVS/GA/02(A)", "DRG/PRP/GF/SECT/GA/01(A)", "DRG/PRP/SE&NEELEV/GA/03(1)", "DRG/PRP/NEELEV/GA/09(A)", "DRG/PRP/GF&SECT/GA/05(A)", "DRG/PRP/SE&NWELEV/GA/08(A)", "DRG/PRP/FF/GA/06(A)" and "DRG/PRP/ROOF/GA/07(A)" received on 28th May 2019.
    - (4) Notwithstanding the submitted plans, no development shall commence until a scheme has been submitted to and agreed in writing by the Local Planning Authority showing the site frontage boundary being set back and a 3.0m wide segregated, shared community route provided, which shall appropriately link into the existing footways. Such a scheme shall be fully implemented in accordance with the agreed details before the development is brought into beneficial use.
  - The reasons given for the conditions are:
    - (1) To avoid doubt and confusion as to the nature and extent of the approved development.
    - (4) In the interests of highway safety and to promote sustainable means of transport to/from the site.
  - A site visit was made on 7 February 2023.
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### Decision

1. The appeal is allowed in part and planning permission is granted for Proposed conversion (including extensions) of 2no. stone barns and associated land to 2no.

dwellings with private garden space and a courtyard area accommodating associated parking spaces at Land between Pyle Road and Fulmar Road, Nottage, Porthcawl CF36 3TA, in accordance with the terms of the application Ref P/21/909/RLX, dated 22 September 2021, without compliance with condition number 4 previously imposed on planning permission Ref P/19/371/FUL, dated 25 July 2019, and subject to the conditions set out in the schedule to this decision letter.

### **Procedural Matters**

2. The development has been partially completed and the appeal seeks to retrospectively vary/delete two conditions attached to planning permission Ref P/19/371/FUL. It is proposed to delete Condition No 4, and to vary Condition No 1 by substituting the original Site Block Plan with a new proposed site plan (drawing ref: R635-08 A1).
3. Whilst reference has been made to Conservation Area consent, this lies beyond the scope of an appeal made under section 78 of the Town and Country Planning Act 1990. I have therefore not had regard to this matter in coming to my decision.

### **Main Issues**

4. The main issues are the necessity and reasonableness of the disputed conditions in the interests of highway safety, sustainable development, public health, and the preservation or enhancement of the character or appearance of the Nottage Conservation Area.

### **Reasons**

5. The appeal site occupies a parcel of land bounded by Fulmar Road and Pyle Road and accommodates original stone-built buildings of agricultural character which are in the process of being renovated for residential accommodation. The site lies within the Nottage Conservation Area (CA) and is bounded by limestone walls.
6. The appeal site occupies a position of some prominence within the CA. Whilst largely enclosed by modern residential areas and infrastructure, features of the original village which remain evident include the organic and tight-knit street pattern; irregularly sited buildings of traditional rural character, many of which adjoin the highway; and limestone walls demarcating the boundaries of properties or common areas.
7. I am informed, and have no reason to dispute, that the CA's limestone walls date back to the village's early Saxon origins. Their historic provenance, prevalence and prominence near to the appeal site, and the extent to which these walls unequivocally define boundaries between different spaces, exerts a particularly strong influence on the character of the locality and is a defining positive characteristic of the CA.
8. The stone wall which forms the front boundary of the appeal site and lies either side of the site access has been modified since the original planning permission was granted. Based on the information before me the original wall bounding the appeal site seems to have varied between around 900mm and 1.5m in height and was topped with 'Cock and Hen' capping stones. A wall of this stature and extent would have strongly defined the frontage of the appeal site in a manner similar to other walls nearby.
9. This site access lies in close proximity to two priority junctions with Fulmar Road and Pyle Road. I saw on my site visit that the original wall has the potential to impinge on emerging drivers' line of visibility towards these two priority junctions. It appears to be common ground between the main parties that, were the wall to be retained in its present location, its height would need to be limited to 600mm. Figure 7.17 and paragraph 7.6.3 of Manual for Streets (MfS) indicate that the drivers' eyeline should be assumed to be 1.05m, with the lower height of 600mm representing the termination of the splay. However, given the extent to which the wall presently intrudes into the required visibility splay, a wall lower

than 1.05m in height would be needed in places to achieve adequate visibility. In any case, the proposed amended site plan indicates that the wall would be 600mm in height, and it is on this basis which I have determined the appeal.

10. At the proposed restricted height of 600mm, the wall's contribution to positively defining the front boundary of the appeal site would be seriously undermined. Its resulting appearance would plainly diverge from the other, more visually prominent walls nearby, and would fail to preserve or enhance the character or appearance of the CA.
11. In my view, the visual effect of this low wall would be similar whether finished in Cock and Hen or another style of top dressing. There are several examples of pier or concrete capped walls nearby, including immediately opposite the appeal site. Whilst I accept that Cock and Hen is prevalent locally, there is little evidence to suggest that only this type of capping is an inherent feature of the CA. My findings therefore rest principally on the visual effect of the maximum height of the wall achievable in its present position, irrespective of the top dressing used.
12. The plans and conditions attached to the existing permission do not specify the height of the relocated wall or require material to be reused. Nonetheless, having regard to the position of the site within the CA and the retained original walling to either side of the site access, as well as the information given on the original Block Plan and the imposition of a pre-commencement condition to secure the details of boundary treatments, it is reasonable to assume from the existing planning permission that the replacement wall would likely have been of a similar appearance and height to its predecessor. Whilst I recognise that altering the location of the front boundary wall, as indicated in the original Block Plan, would also have a visual effect, I consider that the likely similar prominence and appearance of the relocated wall would have preserved the CA's character in a way that retaining it in its present location, and limiting its height to 600mm, would not.
13. I have considered whether boundary planting could be used to mitigate the harm caused by the limited wall height, but irrespective of the effect on the CA's character or appearance, this extent of landscaping would also be likely to interfere with the required visibility splay and would therefore be unacceptable as a result.
14. For the foregoing reasons I find that varying Condition No 1 to allow the retention of the boundary wall in its present position but limiting its height to 600mm would achieve adequate visibility for highway users in accordance with the objectives of policy SP3 of the Bridgend Local Development Plan (LDP) to improve road safety. However, this would not outweigh the harm caused to the character or appearance of the CA, which would conflict with the conservation objectives of LDP policy SP5. I therefore conclude that Condition No 1 is both necessary and reasonable in its present form.
15. I now turn to the matters of sustainable development and public health. To its northeast, either side of the site access, the appeal site lies adjacent to a footway of between approximately 1m and 2m in width. This footway wraps around the south side of the appeal site to join a continuous footway westward on Fulmar Road, which features a bus stop. Dropped kerbs with tactile paving near to the junction provide opportunities for pedestrians to cross the carriageway to join footways towards the east or south.
16. Paragraph 4.1.34 of Planning Policy Wales Edition 11 (PPW) states that, in determining planning applications, planning authorities must ensure development proposals, through their design and supporting infrastructure, prioritise provision for access and movement by walking and cycling and, in so doing, maximise their contribution to the objectives of the Active Travel (Wales) Act 2013. Other parts of PPW also reinforce the importance of maximising accessibility by walking, cycling and public transport, including by mitigating transport impacts via the development of active travel routes.



17. The Council has supplied an excerpt from its Integrated Network Map (INM) which was adopted in February 2018 in accordance with the Active Travel (Wales) Act 2013. This shows two future Active Travel routes: a walking route immediately northeast of the appeal site, and a walking/cycling route adjacent to its southern boundary.
18. It seems to me that the appeal site occupies a location which would promote accessibility by walking, cycling and public transport. This is due to the proximity of the appeal site to these two future INM routes, as well as existing bus stops, footways and a signed bike route. The existing footway near the site access is of sufficient width and quality for occupants of the appeal development to reach these local walking and cycling routes, and to access facilities and services, including by wheeling bicycles along the short length of the site frontage. Irrespective of the height of the front boundary wall, its width is sufficient for people to traverse this footway safely. Consequently, the location of the appeal scheme would assist in implementing sustainable development and promoting modes of transport other than the private car, with potentially beneficial impacts on public health and air quality, amongst other things.
19. Whilst both routes shown on the adopted INM are indicative, I saw on my site visit that the general alignments appear to be rationally founded. The footway bounding the appeal site is well positioned to provide a link as part of the future INM walking route, either towards the A4106 or Nottage village centre. Given the existing signed bike route which links the village centre to Porthcawl town centre, I am not persuaded that this footway is an essential and missing part of the indicative walking/cycling route shown on the INM.
20. My attention has been drawn to LDP policy PLA7, which safeguards certain transport routes from development that would prevent their implementation. Walking/cycling route PLA7(5) follows a similar alignment to the aforementioned INM walking/cycling route. The appeal development would not affect the implementation or enhancement of this route and would thus accord with policy PLA7.
21. I therefore conclude that requiring a 3-metre wide segregated, shared community route to be provided along the site frontage, as sought by Condition No 4, fails to meet the tests set out in Welsh Government Circular 016/2014 'The Use of Planning Conditions for Development Management' ('the Circular'), as it is not necessary and does not fairly or reasonably relate to the development in question.

## Conditions

22. Notwithstanding my foregoing findings in relation to Condition No 4, for the reasons already given, the safety of highway users is contingent on adequate visibility being obtained from the site access, and which Condition No 4 seeks, in part, to secure. As no other existing condition or plan specifically requires or identifies the required visibility splay, I have deleted Condition No 4 but have imposed new conditions to secure the repositioning of the boundary wall to provide adequate vision splays and ensure these are kept free of obstruction, in accordance with the road safety objectives of LDP policy SP3 and the guidance in the MfS.
23. The Welsh Government's 'Development Management Manual' states that decision notices for the grant of planning permission under section 73 should repeat the relevant necessary conditions from the original decision notice. I have considered the conditions attached to the original planning permission, those suggested by the Council, and the reasons given, in light of the advice within the Circular. I have adjusted the wording where necessary, and with reference to relevant policies of the LDP.
24. I have reworded Condition No 5 to accord with the vertical dimensions provided in the MfS. As construction has already commenced and there is no evidence that sustainable

drainage consent has been obtained, I consider Condition No 6 requiring the implementation of an approved scheme of site drainage to be necessary in this case. A new condition (No 10) to require the submission and implementation of ecological enhancement is necessary to accord with policy 9 of Future Wales, which now forms part of the statutory development plan.

## Conclusion

25. For the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be allowed in part. I will therefore grant a new planning permission without the disputed Condition No 4, but subject to other necessary conditions being imposed, including the original Condition No 1.
26. 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 to make our cities, towns and villages even better places in which to live and work.

*Paul Selby*

INSPECTOR

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## SCHEDULE OF CONDITIONS

- 1) The development shall be carried out in accordance with the "Site Location Plan" and drawing numbers "DRG/PRP/SITEBLOCKPLAN/GA/BPO REV A", "DRG/PRP/FF/ELEVS/GA/02(A)", "DRG/PRP/GF/SECT/GA/01(A)", "DRG/PRP/SE&NEELEV/GA/03(1)", "DRG/PRP/NEELEV/GA/09(A)", "DRG/PRP/GF&SECT/GA/05(A)", "DRG/PRP/SE&NWELEV/GA/08(A)", "DRG/PRP/FF/GA/06(A)" and "DRG/PRP/ROOF/GA/07(A)" received on 28th May 2019.  
Reason: To ensure the development is carried out in accordance with the approved plans submitted with the application.
- 2) Notwithstanding the plans hereby approved, the proposed roof lights shall be fitted with Conservation Grade roof lights. The roof lights shall be fitted prior to the beneficial use of the development hereby approved and shall be retained in perpetuity.  
Reason: To ensure the rooflights are unobtrusive and lie flush with the roof tiles, in accordance with the conservation objectives of policy SP5 of the Bridgend Local Development Plan.
- 3) The development shall be undertaken in accordance with the recommendations of the Bat Survey Report and the Preliminary Ecological Appraisal written by Sylvan Ecology received on 28 May 2019.  
Reason: To secure the protection of species in accordance with policy ENV6 of the Bridgend Local Development Plan.
- 4) Within two months of the date of this permission, a scheme for the setting back of the boundary wall to provide adequate vision splays for intervisibility of the priority junctions of Fulmer Road and Pyle Road, shall be submitted in writing for the agreement of the Local

Planning Authority. The vision splay area shall be implemented before the development is brought into beneficial use and retained in perpetuity.

Reason: In the interests of highway safety, in accordance with policy SP3 of the Bridgend Local Development Plan.

- 5) No structure, erection or planting exceeding a height of 1.05m (at the apex) and 0.6m (at the terminations of the splay) above adjacent carriageway level shall be placed within the required vision splay areas at any time.

Reason: In the interests of highway safety, in accordance with policy SP3 of the Bridgend Local Development Plan.

- 6) Within two months of the date of this permission a scheme for the comprehensive and integrated drainage of the site, showing how foul, road and roof/yard water will be dealt with, including future maintenance requirements, shall be submitted in writing for the agreement of the Local Planning Authority. The approved scheme shall be implemented prior to the beneficial use of the residential units hereby approved.

Reason: To ensure that effective drainage facilities are provided for the proposed development and that flood risk is not increased, in accordance with policy PLA4 of the Bridgend Local Development Plan.

- 7) Notwithstanding the plans hereby approved, within two months of the date of this permission a plan indicating the positions, design, materials and type of boundary treatment to be erected and a timetable for its implementation, shall be submitted in writing for the agreement of the Local Planning Authority. Development shall be carried out in accordance with the agreed plan and timetable and retained in perpetuity.

Reason: In the interests of the character or appearance of the Conservation Area, and visual and residential amenity, in accordance with policies SP2 and SP5 of the Bridgend Local Development Plan.

- 8) The written scheme of historic environment mitigation and programme of work shall be fully implemented in accordance with the Written Scheme of Investigation, prepared by Ross Cook of ArchaeoDomus Archaeological & Heritage Services and dated September 2021, received on 30 November 2021.

Reason: To identify and record any features or archaeological interest discovered during the works, in order to mitigate the impact of the works on the archaeological resource, in accordance with policy SP5 of the Bridgend Local Development Plan.

- 9) Demolition or construction works shall not take place outside 08:00 hours to 18:00 hours Mondays to Fridays and 08:00 hours to 13:00 hours on Saturdays and at no time on Sundays or Bank Holidays.

Reason: In the interests of residential amenity, in accordance with policy SP2 of the Bridgend Local Development Plan.

- 10) Within two months of the date of this permission, a scheme of Ecological Enhancement Measures and a Detailed Implementation Timetable shall be submitted to and approved in writing by the Local Planning Authority. The Ecological Enhancement Measures shall be undertaken in accordance with the approved scheme and Implementation Timetable and retained thereafter for the lifetime of the development.

Reason: In the interests of biodiversity and to provide a net benefit to biodiversity in accordance with Policy 9 of Future Wales and policies SP4 and ENV6 of the Bridgend Local Development Plan.



## Appeal Decision

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By **A L McCooey BA (Hons) MSc MRTPI**

an Inspector appointed by the Welsh Ministers

Decision date: 17/02/2023

Appeal reference: CAS-01951-C6Q8K7

Site address: Land at former pumping station, Cwmdu Road, North of Heol Faen, Maesteg

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- The appeal is made under section 217 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
  - The appeal is made by Mr Darren Jones against a notice under section 215 of the above Act, issued by Bridgend County Borough Council.
  - The notice, numbered ENF/186/20/ACK, was issued on 28 April 2022.
  - The notice has been served because it appears that the amenity of an area is adversely affected by the condition of the above land.
  - The requirements of the notice are to remove all materials, including but not limited to the caravan, vehicles, vehicle parts, container, plastic containers, rubble etc. from the land shown on the attached plan.
  - The period for compliance with the requirements is 2 months.
  - The appeal is proceeding on the grounds set out in section 217 (1) (a), (c) and (d), of the Town and Country Planning Act 1990 as amended.
  - A site visit was made by the Inspector on 16 January 2023.
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### Decision

1. The appeal is dismissed.

### Procedural Matter

2. The appellant has drawn my attention to an Enforcement Notice (EN) under s171A of the Act also served by the Council in relation to this land. This related to the creation of a new access and the erection of gates and boundary fencing on the site. The EN was withdrawn by the Council. From the evidence submitted by the appellant, the Local Planning Authority agreed that the access appeared to have been in place for in excess of 4 years. I have taken this EN and its withdrawal into account in this appeal.

### Reasons

3. The land is in the countryside adjacent to the settlement limit for Garth, Maesteg. It was occupied by a pumping station that became disused around 20 years ago. There is a large residential area a short distance to the south and a lane leading to allotments opposite the site. The hedge along the site frontage has been replaced by a fence and gates. The land is at a higher level than the road. At the time of my site visit there was a vehicle, a container and open storage of various items on the site.

*The appeal on ground (a): that the condition of the land does not adversely affect the amenity of any part of the area*

4. The appellant points out that he only became the owner of the site in May 2022 and that he intends to clear the site at some point. If he does so, he would have taken steps to comply with the Notice. The Notice relates to the amenity of the area. As the appellant points out a Section 215 Notice is concerned with the visual appearance of land, and no other matter. The site does not have to be overlooked by dwellings or be the subject of any landscape or historic designation. I consider that the open storage of materials, parking of vehicles and siting of containers on the land does adversely affect the character and appearance of the countryside. Whilst the site is not directly overlooked by nearby residents, the road is well used by walkers (as I noted during my site visit). The site can be clearly seen from the road despite the fencing and gates. I conclude that the condition of the land has an adverse impact on the amenity of the area.
5. The appellant claims that the lawful use and the condition of the site is similar to other development in the countryside such as a farmyard. The former use of the site was as a pumping station. No other information on the condition of the land when it was a pumphouse or of any subsequent lawful or authorised use has been provided. The condition of the site and its effect on amenity must be considered on its own merits.
6. There is some suggestion by the appellant that the withdrawal of the EN by the Local Planning Authority implies that the site has a lawful use. However, the EN related to operational development at the frontage of the site. As such, it does not have any bearing on the lawful use of the site. These arguments do not outweigh my conclusion that the appearance of the land has an adverse impact on the amenity of the area. The appeal on ground (a) fails.

*The appeal on ground (c): that the requirements of the notice exceed what is necessary*

7. The appellant repeats the argument that the site is well-screened and not visible from the nearest dwellings which has been addressed as part of the consideration of the ground (a) appeal. The appellant questions the urgency of taking action, which is a matter for consideration as part of the ground (d) appeal.
8. The appellant considers that the reference to include plastic containers and rubble is not necessary as such items are not visible. I do not agree as the accumulation of these items across the site and in stockpiles would have an adverse impact on the character and appearance of the area. The requirement to remove them is not excessive. I therefore find that the requirements of the Notice do not exceed what is necessary to prevent the condition of the land from adversely affecting the amenity of the area. It follows that the appeal under Section 217(1)(c) should fail.

*The appeal on ground (d): that the period for compliance falls short of what should reasonably be allowed*

9. The appellant refers to the limited time available to the new owner to instruct professionals to appeal against the Notice. The Local Planning Authority allowed a longer period than the required 28 days and so met the legal requirements for the Notice. In any event, the appeal has been lodged. The change of ownership occurred on 30 May 2022 and the new owner should have been aware of the Notice and its requirements. Some months have now passed since the Notice was served and so the circumstances alluded to in the appellant's submissions no longer apply. These matters are not therefore relevant to this ground of appeal.

10. The appellant refers to the need to source and pay for the necessary labour to safely remove the items from the site. He also refers to the possibility of delays as a result. The appellant has not suggested any alternative compliance period or provided any detail on why the items cannot be removed by either himself or a suitable waste contractor within the specified period. The expense incurred in so doing is not relevant to this ground of appeal. I am not persuaded by the evidence that the period specified in the notice within which any steps are required to be taken falls short of what should reasonably be allowed. The appeal on ground (d) fails.

### **Other Matters**

11. The Council refers to possibly requiring reinstatement of the frontage Hedgerow under the Hedgerow Regulations. The comments of the interested party also relate to the site frontage. These are separate matters unrelated to the consideration of a Section 215 Notice. The Council refers to the possible natural regeneration of the site if the material is removed. This is dependent on the future use of the site as noted by the appellant.

### **Conclusion**

12. Having considered all relevant matters raised, I conclude that the appeal should be dismissed for the reasons given above.

13. 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 objectives.

*A L McCooey*

**INSPECTOR**



## Appeal Decision

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by H W Jones BA (Hons) BTP MRTPI

an Inspector appointed by the Welsh Ministers

Decision date: 16/02/2023

Appeal reference: CAS-02159-S2N0T9

Site address: 9 Duffryn Oaks Drive, Pencoed, Bridgend, CF35 6LZ

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- 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 Ryan Richardson against the decision of Bridgend County Borough Council.
  - The application (ref: P/22/228/FUL), dated 22 February 2022, was refused by notice dated 6 July 2022.
  - The development proposed is a dining room extension.
  - A site visit was made on 20 December 2022.
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### Decision

1. The appeal is allowed and planning permission is granted for a dining room extension at 9 Duffryn Oaks Drive, Pencoed, Bridgend, CF35 6LZ, in accordance with the terms of the application (ref: P/22/228/FUL), dated 22 February 2022, subject to the conditions set out in the attached schedule.

### Main Issues

2. The main issues are the effect of the proposed extension on:
  - (i) the character and appearance of the area; and
  - (ii) the living conditions of residents in terms of outdoor amenity space provision.

### Reasons

#### *Character and Appearance*

3. The appeal property lies within a modern residential estate. Most of the dwellings display a degree of visual cohesiveness in terms of their external materials, however there is a significant degree of variation in architectural detailing, layout and building form, with variations of mainly 2 and 3 storey properties. The steep topography has influenced a generally informal layout.
4. The host dwelling occupies a prominent position on the inside of a sharp bend in the estate road which wraps around the front, side and rear boundaries rising steeply as it does so. The main part of the dwelling, including a two-storey forward projecting feature,

is separated from the nearest neighbour by a lower level single-storey garage. The position of the dwelling means that it is visually distinct from its neighbours.

5. The proposed extension would be on the side elevation facing the estate road. My site visit confirmed that the site of the proposed extension has been levelled and hardsurfaced with works undertaken to re-contour the adjacent grounds including a retaining wall structure. The single storey extension would appear as a subservient addition to the host dwelling respecting its character in terms of form and the finish of the roof. Most of the walls would be finished in stone, a feature of several nearby properties.
6. In the context of the local variation in house designs the addition would not appear out of place. The proportions of the roof would replicate that of the main roof. The introduction of a wide glazed opening and glazing within the upper part of the side elevation would not appear incongruous in the context of the local variation in fenestration, most notably immediately to the rear of the site.
7. Therefore, I consider that in terms of its detailing and scale it harmonises with the host dwelling. It also respects the original character of the house and its place in the street scene. Accordingly, it aligns with the advice in the Council's Supplementary Planning Guidance (SPG) 2: Householder Development, particularly Notes 11 and 12.
8. On this main issue I find that the scheme would not harm the character or appearance of the area. As it would respect and enhance local character and distinctiveness and would be of an appropriate scale, size and prominence it would align with policy SP2 of the Bridgend Local Development Plan (LDP).

#### *Living Conditions*

9. The extension would result in the loss of part of the property's outdoor amenity space. The Council points out that it is particularly valuable given that it is flat whereas the rear garden is steeply sloping. It is not however an area that enjoys greater privacy than the rear garden, which is partly screened by a boundary fence. The appellant has undertaken ground works to facilitate the use of the rear garden of the property and I noted evidence of its use as a patio area. The property would also retain open space to the front and side of the proposed extension and recent boundary planting will in time improve the screening of these areas.
10. In relation to the second main issue, the scheme would not deprive occupants of adequate garden area for their private use and thus would not harm their living conditions. As such it does not conflict with Note 8 of SPG02, nor does it conflict with policy SP2 which includes ensuring that the amenity of neighbouring uses is not adversely affected.

#### **Conclusion**

11. For the reasons given above I conclude that the appeal should be allowed subject to the conditions suggested by the Council.
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 to make our cities, towns and villages even better places in which to live and work.

*H W Jones*

INSPECTOR



## SCHEDULE OF 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 plan:  
Drawing No. RR/02 dated 2/22  
*Reason: To ensure the development is carried out in accordance with the approved plan submitted with the application.*
3. No development shall take place until a detailed specification for, or samples of, the materials to be used in the construction of the external surfaces of the building hereby permitted have been submitted to and agreed in writing by the Local Planning Authority. Development shall be carried out in accordance with the agreed details.  
*Reason: To ensure that the proposed external materials of construction are appropriate for use on the development so as to enhance and protect the visual amenity of the area in accordance with policy SP2 of the Bridgend Local Development Plan.*
4. No development shall take place until a scheme for biodiversity enhancement has been submitted to and agreed in writing by the local planning authority. Development shall be carried out in accordance with the approved details.  
*Reason: In the interests of maintaining and enhancing biodiversity, in accordance with Future Wales Policy 9.*



## Appeal Decision

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by R H Duggan BSc (Hons) DipTP MRTPI

an Inspector appointed by the Welsh Ministers

13.03.2023

Appeal reference: CAS-02346-D9Y3L9

Site address: Gandria, 1 High Street, Laleston, Bridgend CF32 0LD

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- 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 Leighton James against the decision of Bridgend County Borough Council.
  - The application Ref P/22/482/FUL, dated 28 June 2022, was refused by notice dated 17 October 2022.
  - The development proposed is described as “*Large detached garage*”.
  - A site visit was made on 2 March 2023.
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### Decision

1. The appeal is dismissed.

### Main Issue

2. I consider the main issue to be the impact of the development on the character and appearance of the street scene.

### Reasons

3. The appeal site is occupied by a large, detached dwelling with a large and generous front garden. Located within a predominantly residential area, the appeal site fronts directly onto a main pedestrian and vehicular route through Laleston. The site does not relate to any designated features or areas that would be particularly sensitive to change, albeit its road frontage positioning gives it a presence in the street scene. The defining consistent characteristics of this street scene are dwellings which are set a good distance from the highway and there is a degree of uniformity in terms of the front building line of properties and their relationship to the road. Whilst many front gardens are physically contained by hedges and walls, they are mostly devoid of ancillary domestic buildings.
4. The proposed double garage would have a traditional appearance that would reflect its surroundings, but it would be sited forward of the host property very close to the front boundary of the appeal site and the common boundary with No. 1 Roger’s Lane. The garage would have a footprint of approximately 10.5 metres by 6.5 metres and would be about 5.8 metres in height, and would occupy a position forward of the prevailing building line which characterises this part of the street.

5. The Council has referred me to its Supplementary Planning Guidance (SPG) Note 02 Householder Development which states 'Garages and outbuildings should be sited and designed so as to complement the existing house and to ensure there is no adverse effect on adjacent properties'. The explanatory paragraph of Note 23 clarifies that garages should 'not normally be in front of the house.'
6. Although the proposed development would run counter to the general thrust of the advice contained within the Council's SPG, I have treated the document as providing no more than guidance which can assist in the assessment of planning applications including the application of the policies of the development plan. I consider that the advice set out in the SPG should not be treated as prescriptive.
7. Nevertheless, in the context that I have described and by reason of its height, expansive roof area and bulky proportions, the proposed garage would dominate this corner of the appeal site and would relate poorly to existing garden spaces in the surrounding area due to its excessive scale. This impact would be greatest when viewed from the High Street travelling towards the adjoining roundabout. The effect would be harmful to the relationship between buildings and adjoining spaces, and thus the character and appearance of the area in what is a prominent location.
8. Notwithstanding the presence of the hedgerow on the front boundary of the appeal site which would provide some screening of views, the garage would change the appearance of the street scene and would lead to an overly dominating and incongruous development which would represent an unexpected, alien feature. Whilst this impact would be limited to the surrounding vicinity of the site, it would still be significant.
9. Having regard to the above, I conclude that the development would have a harmful impact on the character and appearance of the street scene and would conflict with Policy SP2 of the Adopted Bridgend Local Development Plan (LDP) 2013. This policy 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).
10. The Appellant has drawn my attention to the Council's decision to allow a detached garage within the front garden of a dwelling on Felindre Road, Pencoed. Although the garage was allowed forward of the front elevation of the dwelling, in that case the neighbouring dwellings are also sited close to the highway and the building line was not compromised by the proposed garage. In my experience, it is rare that direct parallels can be drawn between individual schemes because local circumstances often vary. Moreover, a central principle of the planning system is that each development should be assessed on its own merits, which I have done in this instance.

## **Conclusion**

11. Having regard to the above and considered all other matters raised, I conclude that the appeal should be dismissed.
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 objectives of building a stronger, greener economy as we make maximum progress towards decarbonisation, making our cities, towns and villages even better places in which to live and work and embedding our response to the climate and nature emergency in everything we do.

Ref: CAS-02019-D9Y3L9

*R. Duggan*

INSPECTOR



## Appeal Decision

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by Paul Selby BEng (Hons) MSc MRTPI

an Inspector appointed by the Welsh Ministers

Decision date: 15-02-2023

Appeal reference: CAS-02392-C5M3H6

Site address: 5 Clevis Crescent, Newton, Porthcawl CF36 5NY

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- 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 & Mrs R Davies against the decision of Bridgend County Borough Council.
  - The application Ref P/22/505/FUL, dated 14 July 2022, was refused by notice dated 16 September 2022.
  - The development is Shed and fence within the property's front garden.
  - A site visit was made on 7 February 2023.
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### Decision

1. The appeal is dismissed.

### Procedural Matters

2. The development has been completed and retrospective planning permission is therefore sought. As 'retention' is not a form of development I have excluded this from the description of development.

### Main Issue

3. This is the effect of the development on the character and appearance of the area.

### Reasons

4. The appeal relates to a residential property featuring a two-storey semi-detached dwelling set back from the highway by a driveway and front garden of notable length. The site occupies a position of some prominence, moderately elevated above the highway near to the junction of Clevis Crescent and Bridgend Road.
5. There is little consistency in the appearance of residential properties nearby. The semi-detached dwellings on the southeast side of Clevis Crescent share some characteristics, but their character differs markedly from the more modern dwellings which back onto the northwest side of Bridgend Road. There is, similarly, little consistency in the materials and form of local boundary treatments. Nonetheless, within visual range of the appeal site, boundaries which adjoin public highways tend to be formed by walls which are below the eye level of passing pedestrians, often topped with shrubs or hedges. Nearby front gardens visible from the public realm are, for the most part, largely free of permanent built form. In my view, these characteristics combine to afford the immediate area a predominantly open and verdant character and appearance.

6. The front of the appeal site and part of its driveway is marked by a low stone wall which retains a raised front lawn. A 1.8m high close boarded fence, which forms part of the appeal scheme, has been erected on land above and fractionally behind this wall. Due to its position on elevated land, the top of the fence is well above the head height of passing pedestrians. Viewed from the footway, and from other vantage points on Clevis Crescent and Bridgend Road, the fence features prominently within the street scene. Its solidity and height jars markedly with the area's predominantly open and verdant character, with consequent visual harm. In my view there is insufficient space between the retaining wall and the fence for shrubs or climbers to permanently establish at a density which would acceptably mitigate this harm.
7. The appeal scheme also incorporates a shed which is situated moderately behind the abovementioned fence and adjacent to the property's driveway. The Council has adopted Supplementary Planning Guidance (SPG) entitled 'Note 02 Household Development' which provides advice on the erection of outbuildings in residential properties. The relevant parts of this guidance are in general accord with policy SP2 of the Bridgend Local Development Plan (LDP) and as such I afford it significant weight.
8. Amongst other things, the SPG states that outbuildings should not normally be in front of a house, nor dominate existing and surrounding properties. The timber shed subject to this appeal is of modest proportions and exhibits a simple design. Its scale is clearly subordinate in scale to the dwelling, and it would occupy only a limited area of the front garden. Nonetheless, were the front boundary fence to be removed, the rear and side elevations of the shed would be readily visible from several nearby vantagepoints. Irrespective of its finished colour, the shed's proximity to the front boundary and height relative to the footway would afford it a dominant appearance within the street scene which would markedly conflict with the prevailing pattern of development in the immediate vicinity. I am not persuaded that natural landscaping would conceal this shed to an extent which would sufficiently mitigate its harmful visual impact.
9. In coming to the above conclusions, I have had regard to a second outbuilding of similar appearance which lies adjacent to the abovementioned shed but does not form part of the appeal development. I am informed that the Council considers this second shed to be immune from enforcement action, but in any case, its presence has little bearing on my findings. This is because were the fence and shed subject to this appeal to be removed, the visual harm caused by the second shed alone would be of a lesser magnitude than that caused by the unauthorised structures. This is despite the second shed itself being at odds with the established pattern of development; in this regard it neither sets a desirable precedent nor alters the prevailing characteristics of the area.
10. My attention has been drawn to structures including a close boarded fence and shed located in the front garden of 3 Clevis Crescent, which I saw on my site visit. I am informed that retrospective planning permission has been refused for these by the Council, and that this is subject to an ongoing appeal (Refs: CAS-02021-G5L2FA and CAS-02023-V5Z2N6). As these other appeals have not yet been determined the current position is that the structures are unauthorised. I therefore afford them little weight in my baseline assessment of the area's character and appearance and have proceeded to determine the appeal scheme on its own merits.
11. For the above reasons I conclude that the development would materially harm the area's character and appearance, conflicting with the objective of LDP policy SP2 for developments to be of an appropriate scale, size and prominence, and with the general aims of the Council's SPG.

### **Other Matters and Conclusion**

12. The Council considers that the development would not adversely affect the safety of highway users or harm neighbouring occupants' living conditions. Having regard to the siting and scale of the fence and shed I have no reason to find otherwise. I also recognise that the fence may enhance the property's safety and privacy, and that a nearby resident is supportive of the scheme. Nonetheless, neither these nor the other matters raised alters my decision.
13. For the reasons given above I conclude that the appeal should be dismissed.
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 to make our cities, towns and villages even better places in which to live and work.

*Paul Selby*

INSPECTOR



## Appeal Decision

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by I Stevens BA (Hons) MCD MRTPI

an Inspector appointed by the Welsh Ministers

Decision date: 09.03.2023

Appeal reference: CAS-02421-S3S7F6

Site address: 1 The Whimbrels, Nottage, Porthcawl, CF36 3TR

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- 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 Stephen Knipe against the decision of Bridgend County Borough Council.
  - The application Ref P/22/403/FUL, dated 1 June 2022, was refused by notice dated 26 September 2022.
  - The development proposed is alterations and extension to existing bungalow.
  - A site visit was made on 10 February 2023.
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### Decision

1. The appeal is dismissed.

### Main Issues

2. The main issues are the effects of the proposed development:
  - On the character and appearance of No 1 The Whimbrels and its surroundings; and
  - On the living conditions of the occupiers of No 3 The Whimbrels.

### Reasons

#### *Character and appearance*

3. The appeal site comprises a detached bungalow with pitched gable roof. A flat-roofed garage adjoins one side of the property, set back from the front elevation. It has a rendered and stone finish. The appeal dwelling sits at one end a row of other similarly designed bungalows that run along a staggered building line with their gable ends facing the highway. Despite being set back slightly more from the highway than its neighbouring bungalows, the appeal property is readily visible from public areas, including a footpath that runs along one side of the property. While I note the presence of two-storey dwellings to the west of the appeal dwelling, the intervening garden areas and footpath on this side provide separation between both elements, such that there is no strong



sense of cohesion between them. The appeal dwelling is appreciated as part of the row of bungalows whose uniform design and appearance are important elements of the street scene.

4. The wider street is characterised by a mix of bungalows, dormer bungalows and two-storey dwellings. The street-facing gabled roofs is a feature on most properties that break up the roofline and mass of built form. In this context, the appeal dwelling's modest scale and simple appearance does not detract from the pleasant character of the area.
5. Policy SP2 of the Bridgend Local Development Plan (LDP), adopted in September 2013, seeks 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. The Council's Supplementary Planning Guidance (SPG) 02: Householder Development, adopted in December 2008, states amongst other things that extensions should be in scale with the existing dwelling and that the form, materials, and details of extensions and alterations should match or harmonise with those of the existing house. Whilst I note that the SPG predates adoption of the Bridgend LDP, I consider that the guidance broadly aligns with the objectives of Policy SP2. As such, I will afford the SPG weight in the determination of this appeal.
6. The proposal would alter the character and appearance of the existing dwelling, transforming the modest property into a substantial dormer bungalow that is unrecognisable from its current appearance. Notwithstanding the plot size, the increased height and scale would result in a visually dominant form of development with undue prominence in the street scene. The front elevation would be wholly modified, with a new intersecting gable roof and two front-facing dormer windows set slightly below the increased ridge height. A new two-storey porch extension would be centrally located partly along the front elevation, with full-length glazing up to the apex of its pitched roof. The complete re-roofing of the property would significantly alter its appearance, shifting the principal elevation from its side to the street-facing element. This would be significantly out of character with dwellings on this side of The Whimbrels. The front roof slope would appear ungainly, an effect reinforced by the extended front porch.
7. The increased bulk and massing of the gable walls would appear as discordant elements in views along the street. From the rear elevation, the enlarged roof pitch spanning the property width would accentuate the scale and massing of development. It would upset the visual balance of the group of bungalows, resulting in an incongruous form of development that fails to have any regard to its immediate context.
8. I note the appellant's reference to other dwelling alterations and extensions along the street. Dwellings on the opposite side of The Whimbrels are typically dormer bungalows, alternating between street-facing front entrances or side-on gable ends. There is a clear difference between the form of these dwellings and the group of bungalows that the appeal site forms a part of. I observed that Nos 16 and 24 The Whimbrels have front-facing dormer windows and centrally located glazed porch extensions. While I do not have full details of those schemes before me, the height and scale of the altered dwellings are seen in the context of existing dormer properties on the same side of the street. I have in any case determined the appeal on its own merits and concluded that the significant alterations to the property would be incongruous and out of keeping with the group of bungalows that it forms a part of.
9. I recognise the appellant's desire to extend the property for family accommodation needs and the desire to visually enhance the appeal property. While contemporary design solutions are not necessarily prohibited by national or local planning policy and guidance, this depends on the context in which development is located. I am not persuaded that there are no other options to enhance the property without the associated harm that I

have identified from the proposal. I therefore conclude that the proposal would fail to respect the modest scale and form of the appeal dwelling. It would therefore be harmful to the character and appearance of the appeal property and surrounding area, contrary to LDP Policy SP2 and guidance in SPG 02: Householder Development.

### *Living conditions*

10. The appeal property extends close to the common boundary with No 3 The Whimbrels, with a walkway running along the side of the fence and low brick wall. A driveway leading to a detached garage separates No 3 from the appeal property. No 3 also has several windows and a door facing towards the shared boundary and proposed development. This is a principal elevation serving the property, given the design of the bungalows.
11. The proposed alterations and extensions would not bring the dwelling any closer to its neighbour than its existing distance of about 4 metres. I also note that openings on the side of the appeal dwelling facing No 3 would have obscure glazing. Nevertheless, the gabled design would extend above the existing ridge height and would fill in a large void that currently exists between the properties due to the orientation of the pitched roof. The gable wall would extend a significant length along the appeal dwelling, close to the driveway of No 3. The increase in height and bulk would result in a visually dominant feature when viewed from habitable room windows and driveway of No 3. The appellant considers that the facing windows at No 3 are either secondary ones serving rooms with other windows or serving bedrooms that are not particularly sensitive to neighbouring dominance. However, the windows are on the principal elevation and there is no dispute that they serve habitable rooms. As such, the dominance of the proposed development at such proximity to No 3 would be harmful to the living conditions of its occupants.
12. I have considered the appellant's evidence indicating the extent of actual overshadowing. Given the minor infringement against the guidelines in the Householder Development SPG, the proposal would not significantly restrict sunlight to the adjacent ground floor windows of No 3. However, it does not follow that there would be no harmful impact on outlook from No 3. I have also considered the impact of the proposal on the living conditions of occupants at No 12 Dunlin Close, to the west of the appeal dwelling. Given the separation distance between both properties, which includes intervening side and rear gardens and the footpath, I do not consider that the proposal would harmfully impact on occupants' living conditions at No 12.
13. I conclude that the proposal would have a harmful overbearing impact on the living conditions of the occupants of No 3. This would be contrary to LDP Policy SP2, which seeks to ensure that the viability and amenity of neighbouring uses and their users/occupiers will not be adversely affected. It would also be contrary to the advice in SPG 02: Householder Development, that no extension should unreasonably dominate the outlook of an adjoining property.

### **Conclusion**

14. For the reasons I have given, and having regard to all matters raised, the appeal is dismissed.
15. 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 Ministers' well-being objectives.

*I Stevens*

INSPECTOR