

## **APPEALS**

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

<b>APPEAL NO.</b>	CAS-02309-B6J3Q8 (1974)
<b>APPLICATION NO.</b>	P/22/81/OUT
<b>APPELLANT</b>	MR J DAVIES
<b>SUBJECT OF APPEAL</b>	DETACHED DWELLING ON LAND TO SIDE: SOUTHLANDS FUNERAL HOME 59 SOUTH ROAD PORTHCAWL
<b>PROCEDURE</b>	WRITTEN REPRESENTATIONS
<b>DECISION LEVEL</b>	DELEGATED OFFICER

The application was refused for the following reasons:

1. The proposed dwelling, by reason of its proposed scale parameters, location and indicative siting, represents an insensitive and excessive form of development that would result in the inappropriate development of the site to the detriment of the character and appearance of the existing locality. The application is therefore contrary to policy SP2 of the Bridgend Local Development Plan (2013), advice contained within Technical Advice Note (TAN) 12: Design (2016), and Planning Policy Wales, Edition 11 (February, 2021).
2. The proposed dwelling, by reason of its proposed scale parameters, location and siting, would have an imposing, overbearing and unneighbourly impact on the outlook and existing standards of amenity enjoyed by occupiers within the host dwelling (59 South Road). The application is therefore contrary to policy SP2 of the Bridgend Local Development Plan (2013), advice contained within Technical Advice Note (TAN) 12: Design (2016), SPG 02 Householder Development (2008) and Planning Policy Wales, Edition 11 (February, 2021).
3. The proposed access and narrow vehicular access point onto South Road lacks adequate visibility to serve the proposed development and is not suitable to serve the proposed development and would consequently create traffic hazards to the detriment of highway safety contrary to policy SP2 of the Bridgend Local Development Plan (2013), and guidance contained within Planning Policy Wales (Edition 11, February 2021).
4. The intensification of the substandard access in close proximity to the nearby narrow road close to a bend would create hazards and generate vehicular turning movements, to and from the public highway, to the detriment of highway safety, contrary to policy SP2 of the Bridgend Local Development Plan (2013), and guidance contained within Planning Policy Wales (Edition 11, February 2021).

---

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

<b>APPEAL NO.</b>	CAS-02104-Z1X1Y3 (1966)
<b>ENFORCEMENT NO.</b>	ENF/392/21/ACK
<b>APPELLANT</b>	MR WAYNE ISAAC

**SUBJECT OF APPEAL** ALLEGED UNAUTHORISED LOG CABIN FOR MIXED USE OF HOLIDAY LET AND PRIVATE USE NANTMWTH FACH FARM, SHWT

**PROCEDURE** WRITTEN REPRESENTATIONS

**DECISION LEVEL** ENFORCEMENT NOTICE

**DECISION** THE INSPECTOR APPOINTED BY THE WELSH MINISTERS TO DETERMINE THIS APPEAL DIRECTED THAT THE APPEAL BE DISMISSED AND THE ENFORCEMENT NOTICE BE UPHELD.

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

---

**APPEAL NO.** CAS-02105-X9F1N2 (1967)  
**ENFORCEMENT NO.** ENF/392/21/ACK

**APPELLANT** MR WAYNE ISAAC

**SUBJECT OF APPEAL** UNAUTHORISED TIMBER CABIN - MATERIAL CHANGE OF USE NANTMWTH FACH FARM, SHWT

**PROCEDURE** WRITTEN REPRESENTATIONS

**DECISION LEVEL** ENFORCEMENT NOTICE

**DECISION** THE INSPECTOR APPOINTED BY THE WELSH MINISTERS TO DETERMINE THIS APPEAL DIRECTED THAT THE APPEAL BE DISMISSED AND THE ENFORCEMENT NOTICE BE UPHELD.

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

---

**APPEAL NO.** CAS-02106-M5G1L1 (1968)  
**APPLICATION NO.** P/21/472/FUL

**APPELLANT** MR WAYNE ISAAC

**SUBJECT OF APPEAL** RETENTION OF LOG CABIN FOR USE AS A HOLIDAY LET FOR TOURISM PURPOSES AND THE CONSTRUCTION OF A PROPOSED ADJACENT TOILET AND SHOWER BLOCK NANTMWTH FACH FARM, SHWT

**PROCEDURE** WRITTEN REPRESENTATIONS

**DECISION LEVEL** DELEGATED OFFICER

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

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

---

**APPEAL NO.** CAS-02592-K3Y2Z3 (1985)  
**APPLICATION NO.** P/22/755/FUL

**APPELLANT** MR N EVANS

**SUBJECT OF APPEAL** ROOF TOP EXTENSION (REVISED) (RESUBMISSION OF P/22/152/FUL): 11 REST BAY CLOSE, PORTHCAWL

**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 joint appeal decision is attached as **APPENDIX B**

---

**RECOMMENDATION**

That the report of the Corporate Director Communities be noted.

**JANINE NIGHTINGALE**  
**CORPORATE DIRECTOR COMMUNITIES**

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



## Appeal Decision

---

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

an Inspector appointed by the Welsh Ministers

Decision date: 10.05.2023

Site address: land at Nantmwrth Fach, Farm, Shwt, Bridgend, CF32 8UW

A site visit was made by the Inspector on 11 April 2023.

---

Appeal references: CAS-02105-X9F1N2 & CAS-02104-Z1X1Y3

- The appeals are made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991. The appeals are made by Mr Wayne Isaac against enforcement notices issued by Bridgend County Borough Council.
  - Enforcement notice A (02105), numbered ENF/392/21/ACK, was issued on 29 June 2022.
  - The breach of planning control as alleged in the notice is: Without planning permission, the erection of a timber cabin.
  - The requirement of the notice is to remove the timber cabin, the approximate position of which is shown edged blue on the attached plan from the land affected.
  - Enforcement notice B (02104), also numbered ENF/392/21/ACK, was issued on 29 June 2022.
  - The breach of planning control as alleged in the notice is: Without planning permission, change of use of the said land from agricultural by the siting of a log cabin for the purposes of tourism.
  - The requirements of the notice are to cease the use of the land for the purposes of tourism and remove the timber cabin, the approximate position of which is shown edged blue on the attached plan from the land affected.
  - The period for compliance with the requirements is 3 months after the notices take effect.
  - The appeals are proceeding on the grounds set out in section 174(2) (a) and (f) of the Town and Country Planning Act 1990 as amended.
- 

Appeal reference: CAS-02106-M5G1L1

- 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 Wayne Isaac against the decision of Bridgend CB Council.
  - The application Ref P/21/472/FUL, dated 18 May 2021, was refused by notice dated 27 April 2022.
  - The development proposed is Retention of log cabin for use as a holiday let for tourism purposes, and the construction of a proposed adjacent toilet and shower block.
-

## **Decisions**

### **Appeal against Enforcement notice A (CAS-02105)**

1. Section 5 of the Enforcement notice is corrected by the deletion of the following ‘, the approximate position of which is shown edged blue on the attached plan’ from the requirement. Subject to this correction the appeal is dismissed, 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.

### **Enforcement notice B (CAS-02104)**

2. The breach of planning control as alleged in the notice is corrected to: Without planning permission, change of use of the said land from agricultural use to a mixed use of agriculture and tourism use by the siting of a log cabin for the purposes of tourism. Section 5 of the Enforcement notice is corrected by the deletion of the following ‘, the approximate position of which is shown edged blue on the attached plan’ from the requirement. Subject to these corrections the appeal is dismissed, 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 against the refusal of planning permission (CAS-02106)**

3. The appeal is dismissed.

## **Procedural Matters**

4. Enforcement notice B (CAS-02104) refers to a change of use as described above. As the parties indicate that the land is in use for agriculture the description of the breach of planning control should be corrected to refer to the mixed use of the area encompassed within the EN. The breach of planning control shall be corrected to: Without planning permission, change of use of the said land from agricultural use to a mixed use of agriculture and tourism use by the siting of a log cabin for the purposes of tourism.
5. The requirements of the notices refer to the approximate position of the timber cabin being shown edged blue on the attached plan. The location of the timber cabin is not within the area edged blue. It is some distance away near the pond as indicated in the plans for the planning application Ref P/21/472/FUL. As the appellant and Local Planning Authority are aware of the correct position, I shall delete these words from the requirements of the notices. I am satisfied that there will be no prejudice to the parties as a result of these corrections.
6. The Council has confirmed that the description of the proposal on the planning application was amended by the Agent several months after submission. This was because there had been a reference to private use by the applicant and his family, which would be unacceptable in policy terms. I have adopted the above description as agreed between the appellant and the Local Planning Authority.
7. The toilet block as shown in the planning application has not been constructed. In these circumstances the toilet block is not referred to in the breaches of planning control in the enforcement notices (ENs). If constructed it would only be required to serve the log cabin. I shall therefore consider the section 78 and appeals on ground (a) together as the issues raised are unaffected.

## Reasons

### The appeals on ground (a) and the section 78 appeal - Main Issues

8. The reasons for refusal and for issuing the ENs refer to the following issues:
- The siting and design of the proposal and its visual impact on the character and appearance of the countryside, with reference to Policies ENV1 and SP2 of the Bridgend Local Development Plan 2006-2021 (the LDP).
  - Whether the proposal would constitute a sustainable form of development in terms of accessibility by a range of different transport modes, with reference to Policies SP2 and SP3 of the LDP.
  - The impact on highway safety of the use of a narrow lane to access the proposal, also with reference to Policies SP2 and SP3.
9. The farm comprises 3.75 hectares of land with a farmhouse and an associated range of farm buildings. Access is via the lane leading to the farm, off an unnamed adopted highway, leading from the A4063. The log cabin is of modular construction, sited on a stone base, with stained and treated natural timber walls and a grey/black felt shingle roof. It is up to 3.9m high and has a floor area of 26m<sup>2</sup>. The log cabin is sited some distance to the south of the farm buildings in an elevated position above a pond. The appellant states that the building was erected as a tourism holiday let during the Covid lockdown period, without the necessary planning permission.

#### *Impact of the development on the character and appearance of the countryside*

10. The site is located in the open countryside where Planning Policy Wales and LDP Policy ENV1 provide for strict controls on development. One of the exceptions to these controls relates to farm diversification and tourism projects. The Local Planning Authority considered this type of farm diversification project in the countryside to potentially be acceptable in principle. The principle was judged to be in compliance with the relevant tests in Policies ENV1, SP11 and REG12 of the LDP. However, the detail of the proposal remains to be considered under criteria 1 and 4 of Policy REG12. This assessment could also then affect its acceptability under Policies ENV1 and SP2. I shall consider the proposal against this policy context.
11. The cabin is in an elevated location overlooking a pond. It is removed from the farm buildings and the dwelling by some distance. The Ogwr Ridgeway public footpath route runs along the site. The cabin is visible from this route, which is referred to in the appellant's Planning Statement. I consider that the location, siting and design of the proposal represents an incongruous feature in this area of countryside. Painting the proposal a different colour would not alter this assessment. The development and proposed toilet block would be detrimental to the character and appearance of the countryside contrary to Policy REG12 and SP2. For this reason it would also be contrary to Policy ENV1.

#### *Highway safety and accessibility by a range of different transport modes*

12. The Council argue that the proposal would not constitute a sustainable form of development in terms of accessibility by a range of different transport modes contrary to advice in Planning Policy Wales and LDP Policy. This does not sit well with the acceptance of the proposal in principle as stated above. In common with many tourism developments in the countryside, the site is likely to be primarily accessed by car. This site is not remote and is close to a main road and bus route. There would be an alternative pedestrian access from the site to the main road via the Ogwr Ridgeway public footpath. I do not agree that as there no dedicated footways for pedestrians along

the road there would be no opportunity to access public transport and bus stops on the A4063. Customers would have a choice to use the lane and road or the public footpath. The distances to bus stops referred to by the Council are in an urban context and do not take account of the leisure use proposed where time is not so much of an issue. I do not therefore consider that the proposal, when considered in the round, would be contrary to Planning Policy Wales and Policies SP2 and SP3 for this reason.

13. The access to the site from the A4063 is a country road leading to Greenfield Terrace in Shwt to the north. This road is narrow with poor alignment and limited passing places. Traffic must also use a narrow railway bridge with poor visibility and passing facilities. There are no pedestrian footways. The proposal would lead to an increase in vehicular and pedestrian traffic using this route who are unfamiliar with the area. The use by pedestrians would be hazardous. Increased vehicular traffic has the potential to lead to reversing movements and traffic accidents. For these reasons I conclude that the increase in traffic on this road would be detrimental to highway safety. The development is therefore contrary to Policies SP2 and SP3.

### **The appeals on ground (f) and Conditions**

14. The appellant has suggested that a condition to allow a temporary consent for 2 years would be appropriate. This would allow the Local Planning Authority to assess the impact of the development and if necessary refuse planning permission thereafter. The appellant considers that the requirements of the notices are excessive and unreasonable. Presumably on the basis that the building could be retained for another use.
15. I have found that the development is unacceptable in this location for the reasons given above and that the use of the adjoining road to access the site would lead to highway safety issues. In these circumstances, a temporary planning permission for the retention of the building would not be appropriate.

### **Other Matter**

16. I note that the impacts on ecology, biodiversity and drainage were assessed by the Local Planning Authority. I have considered these issues and agree that any impacts would not be significant.

### **Conclusion**

17. For the reasons given above and having considered all relevant matters, the appeals against the notices on ground (a) and against the refusal of planning permission are dismissed. I also conclude that the appeals on ground (f) should fail for the reasons given.
18. 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.

*A L McCooey*

*INSPECTOR*



## Appeal Decision

---

by I Stevens BA (Hons) MCD MRTPI

an Inspector appointed by the Welsh Ministers

Decision date: 15/05/2023

Appeal reference: CAS-02592-K3Y2Z3

Site address: 11 Rest Bay Close, Nottage, Porthcawl, CF36 3UN

---

- 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 Nigel Evans against the decision of Bridgend County Borough Council.
  - The application Ref P/22/755/FUL, dated 1 November 2022, was refused by notice dated 17 February 2023.
  - The development proposed is the construction of a rooftop extension.
  - A site visit was made on 25 April 2023.
- 

### Decision

1. The appeal is allowed and planning permission is granted for the construction of a rooftop extension at 11 Rest Bay Close, Nottage, Porthcawl, CF36 3UN, in accordance with the terms of the application, Ref P/22/755/FUL, dated 1 November 2022, subject to the conditions set out in the schedule to this decision letter.

### Procedural Matter

2. The Council refers in its decision notice to the Supplementary Planning Guidance (SPG) 02 – Householder Development, adopted in December 2008. The SPG predates adoption of the current Bridgend Local Development Plan (LDP) in September 2013. Nevertheless, its guidance broadly aligns with the objectives of national planning policy and the LDP. I have therefore had regard to it in my decision.

### Main Issues

3. The main issues are the effect of the proposed development on:
  - the character and appearance of 11 Rest Bay Close and the surrounding area; and
  - the living conditions of the occupiers of 12 Rest Bay Close with regard to privacy.

### Reasons

#### *Character and appearance*



4. The appeal site comprises a semi-detached two-storey dwelling in a residential cul-de-sac. The appeal dwelling is located along a row of mostly detached properties where the spacious plots and open coastal views contribute to the pleasant character of the area. The appeal dwelling and its adjoining neighbour were originally one property, but a planning permission to subdivide the property in two has been implemented. In visual terms, the two dwellings can still be read as one building as they share similar characteristics including flat roof elements, box-like protrusions, large windows of similar styles, and a shared materials palette. The building height varies, with the adjoining dwelling having a third floor.
5. Overall, the design features create a distinctive building in the street scene. Its design differs from other properties along Rest Bay Close, particularly with its flat roof and box-like elements. However, nearby dwellings vary in their details and heights, with evidence from the appellant pointing to altered designs and a range of two and three-storey properties near to the appeal property.
6. The proposed rooftop extension would create a third floor with its position set in from the side of the first-floor level, which itself is set in from the side of the ground-floor level. The reduced massing compared with ground and first-floor levels would be a proportionate design response to the scale of the appeal dwelling and its neighbour. It would continue the box-like proportions of the building and appear as another layer, where the visual emphasis is on the width of the appeal dwelling. The proposal would rise above the adjoining property's roof ridge as the appeal dwelling is set at a slightly higher level than its neighbour. However, the height difference would be minimised to about 1.2m, such that it would not appear significantly taller or stand out as a dominant addition to the property.
7. By taking its design cues from the existing dwelling, the rooftop extension would be a complementary addition. The continuous floor to ceiling glazing on two sides would not appear excessive in the context of the wider property where windows are typically large and closely arranged. The window designs would match and align with those on lower levels of the appeal dwelling, thereby respecting the existing arrangements.
8. In the surrounding context, the bespoke design of the building affords it a uniqueness in the street scene. Nevertheless, the proposal would not be unduly large and would not conflict with the wider area character given the varied dwelling designs and heights, including the presence of some three-storey properties further along Rest Bay Close. The additional glazing along the rear elevation would not be out of character given the presence of other structures including the glazed apex at neighbouring no. 12, and the glazed balcony at the Rest Bay water sports centre, further north of the appeal site.
9. I note that to the west of the appeal site, the open land leading towards the coastline forms part of the Porthcawl Coast Special Landscape Area (SLA). I have not been provided with any details of the special features and characteristics of the SLA. While the Council considers that the proposal would be highly visible when viewed from the SLA and appear incongruous in the surrounding landscape, the appeal site is viewed in the context of other development. I am satisfied that the contemporary design and use of similar materials to the appeal dwelling would ensure that the proposal harmonises with the building.
10. I therefore conclude that the proposed extension would not harm the character or appearance of 11 Rest Bay Close or the surrounding area, and it would comply with the design and sustainable placemaking objectives of Strategic Policy SP2 in the Bridgend LDP. Given my findings that the proposal would be in scale with and harmonise with the existing form, materials and details of the appeal dwelling, it would comply with advice contained in the Householder Development SPG.

*Living conditions*

11. The proposed extension would have full-length glazing along its rear elevation and the side elevation facing no. 12 Rest Bay Close. The Council is concerned that the extension would result in a feeling of being overlooked from the garden of no. 12, resulting in an unacceptable loss of privacy to occupiers of the adjacent property.
12. While I note those concerns, there are already views of no. 12's rear garden from the rear first-floor windows and balcony. During my site visit, I stood on the balcony and had uninterrupted views of most of the rear garden at no. 12. While the existing stone wall boundary provides screening between both rear gardens, due to the large plot sizes and uniform building line, the existing arrangements provide an opportunity for occupiers of the appeal property to look directly into no. 12's rear garden. Consequently, there is already a high degree of overlooking into the neighbouring property.
13. I also viewed the appeal property from within the rear garden of no. 12. While it was not possible to look over into the neighbouring garden due to the wall height and presence of some vegetation, the balcony was in direct view. I also observed that no. 12 has a first-floor balcony, which is slightly lower than the balcony on the appeal dwelling. The presence of balconies on this and other properties indicates an existing degree of intervisibility between rear outdoor spaces.
14. The proposed rooftop extension would be set in from the ground and first-floor side elevation of the appeal dwelling. It would not protrude out from the existing rear elevation, unlike the balcony. I recognise that the height and position of the windows would afford some views of the rear garden at no. 12. However, in the circumstances I have described, the additional windows on the rear elevation would not materially change the existing levels of overlooking across no. 12's garden.
15. On the side elevation facing no. 12, the proposed full-length glazing would be a new feature on this side of the property. The windows would be set in approximately 8m from the side boundary with no. 12 and would face out onto the flat roof of the first floor of the appeal dwelling. Given the setback from the property edge, the extension would not face down onto the side of no. 12, and would instead look over and beyond its roofs, with partial distant views of the front elevation of other dwellings facing into Rest Bay Close. Due to the position of the proposed extension, I am satisfied that the additional glazing would not materially alter the existing levels of overlooking between the appeal property and the rear garden of no. 12.
16. The Council quotes advice in the Householder Development SPG, that extensions should respect the privacy of neighbouring houses. I am conscious that the guidance should be applied to the circumstances of each case, where in this instance existing privacy standards for rear gardens are not very high. Indeed, the SPG advises in its introduction that its guidance is not a rulebook and that circumstances will always be important.
17. I therefore conclude that the proposal would not cause significant harm to the living conditions of occupants at no. 12 Rest Bay Close with regard to privacy. It would therefore comply with the amenity criteria in Policy SP12 of the Bridgend LDP and comply with the objectives of the Householder Development SPG.

**Conditions**

18. I have considered the conditions recommended by the Council in the light of advice in Welsh Government Circular 016/2014 'The Use of Planning Conditions for Development Management'. In addition to the standard conditions, I agree that a biodiversity enhancement condition is necessary as set out in national and local planning policy.

given my findings on privacy, it has not been necessary to consider any conditions requiring obscure glazing.

**Conclusion**

19. For the reasons given above and having regard to all matters raised, I conclude that the appeal should be allowed.
20. 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

## 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 / Section 18 of the Town and Country Planning (Listed Building and Conservation Areas) Act 1990.

2) The development shall be carried out in accordance with the following approved plans and documents:

- Location Plan, Date 01 11 2022, Drawing Number: 1630:PL2 01
- Proposed Roof Extension Plan, Date 01 11 2022, Drawing Number: 1630-PL2-07
- Proposed Elevations (Sheet 1), Date 01 11 2022, Drawing Number: 1630:PL2 08
- Proposed Elevations (Sheet 2), Date 01 11 2022, Drawing Number: 1630:PL2 09

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

3) 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.