

Appeals

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

APPEAL NO.	CAS-02483-N2F1B6 (1982)
APPLICATION NO.	P/21/301/FUL
APPELLANT	MULBERRY HOMES LTD
SUBJECT OF APPEAL	NON-DETERMINATION APPLICATION FOR THE ERECTION OF 70 DWELLINGS, COMMUNITY ROUTE AND ASSOCIATED PLAY AREA AND PUBLIC OPEN SPACE: LAND REAR OF WAUNSCIL AVENUE EXTENDING TO THE REAR OF MORFA STREET BRIDGEND
PROCEDURE	WRITTEN REPRESENTATIONS
DECISION LEVEL	DELEGATED OFFICER

APPEAL NO.	CAS-02897-L2J7K9 (1992)
APPLICATION NO.	ENF/97/20/ACK
APPELLANT	MR GARETH RICHARDS
SUBJECT OF APPEAL	UNAUTHORISED USE OF LAND: LAND ADJACENT TO BRYN LLEFRITH FARM MAESTEG
PROCEDURE	WRITTEN REPRESENTATIONS
DECISION LEVEL	ENFORCEMENT NOTICE

APPEAL NO.	CAS-02920-L0R2H6 (1993)
APPLICATION NO.	P/22/23/FUL
APPELLANT	CARHYS
SUBJECT OF APPEAL	ONE 3 BED DETACHED DWELLING WITH ACCESS DRIVEWAY: LAND REAR OF 17-21 CASTLE VIEW BRIDGEND
PROCEDURE	WRITTEN REPRESENTATIONS
DECISION LEVEL	DELEGATED OFFICER

The application was refused for the following reasons:

1. The proposed dwelling, by reason of its siting, represents an uncharacteristic form of development which is at odds and harmful to the established character and appearance of the prevailing built up 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 proposed development, by reason of its siting, scale and design, would result in the overdevelopment of the site and would constitute an unneighbourly and harmful form of development that would be detrimental to the existing levels of residential amenity and privacy currently enjoyed in the locality by way of overlooking, contrary to Policy SP2 of the Local Development Plan (2013) and advice contained within Supplementary Planning Guidance Note 02 Householder Development (2008) and Planning Policy Wales (Edition 11, February 2021).

APPEAL NO.	CAS-03071-C2M9Y2 (2000)
APPLICATION NO.	P/23/360/FUL
APPELLANT	MR D FLOWER
SUBJECT OF APPEAL	RETENTION OF FRENCH DOORS AND BALCONY AS BUILT: 28 SANDERLING WAY PORTHCAWL
PROCEDURE	HOUSEHOLDER
DECISION LEVEL	DELEGATED OFFICER

The application was refused for the following reason:

1. The proposed development, by reason of its siting, scale, intended use and design, constitutes an unneighbourly and harmful addition that would be detrimental to the residential amenities of the adjoining property by way of a significant loss of privacy, contrary to Policy SP2 of the Local Development Plan (2013) and advice contained within Supplementary Planning Guidance Note 02 Householder Development (2008) and Planning Policy Wales (Edition 11, February 2021).

APPEAL NO.	CAS-03073-F3V2C6 (2001)
APPLICATION NO.	ENF/164/23/TAC
APPELLANT	MR RICHARD BOOTH
SUBJECT OF APPEAL	HIGH HEDGE: 10 CYPRESS GARDENS PORTHCAWL
PROCEDURE	WRITTEN REPRESENTATIONS
DECISION LEVEL	APPEAL AGAINST DECISION NOT TO SERVE A REMEDIAL NOTICE (HIGH HEDGES) UNDER SECTION 69 OF PART 8 OF THE ANTI-SOCIAL BEHAVIOUR ACT 2003

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

APPEAL NO.	CAS-02978-D8C2G7 (1995)
APPLICATION NO.	P/23/354/FUL
APPELLANT	MR A PRICE
SUBJECT OF APPEAL	SINGLE STOREY SIDE/REAR EXTENSION AND HIP TO GABLE DORMER LOFT CONVERSION: 11 HEOL Y FOELAS BRIDGEND
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 AND SUBJECT TO CONDITIONS.

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

RECOMMENDATION

That the report of the Corporate Director Communities be noted.

JANINE NIGHTINGALE

CORPORATE DIRECTOR COMMUNITIES

Background Papers (see application reference number)



Appeal Decision

by Richard James Bsc (Hons) Msc MRTPI
an Inspector appointed by the Welsh Ministers
Decision Date: 04.12.2023
Appeal reference: CAS-02978-D8C2G7
Site address: 11 Heol-Y-Foelas, Bridgend, CF31 4RR

- 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 Andrew Price against the decision of Bridgend County Borough Council.
 - The application Ref P/23/354/FUL, dated 24 May 2023, was refused by notice dated 3 August 2023.
 - The development proposed is a single storey side/rear extension and hip to gable dormer loft conversion.
 - A site visit was made on 21 November 2023.
-

Decision

1. The appeal is dismissed insofar as it relates to the hip to gable dormer loft conversion. The appeal is allowed insofar as it relates to the single storey side/rear extension and planning permission is granted for a single storey side/rear extension at 11 Heol-Y-Foelas, Bridgend, CF31 4RR in accordance with the terms of the application, Ref P/23/354/FUL, dated 24 May 2023 and subject to the conditions set out in the schedule to this decision letter.

Main Issue

2. This is the effect of the proposal on the character and appearance of the area.

Reasons

3. The appeal site comprises an end of terrace two storey dwelling, on a block of dwellings, which are set back and elevated from the Heol-Y-Foelas highway, with hipped roofs at each end. The terrace forms part of a planned residential estate of predominantly semi-detached gabled dwellings. Whilst of modest architectural merit, properties on the estate largely retain a consistent simple form with uniform proportions. A footpath runs adjacent to the appeal site's side boundary and provides clear and prolonged views of its side and rear elevations. An area of public open space exists to the rear, which enables views of the terrace block and neighbouring dwelling roofs, with the appeal site partially obscured by rear boundary trees.
4. Dealing firstly with the proposed rear dormer, this would have a flat roof, which would run along most of the extended roof plane width and would be similar in height to the existing ridge height of the dwelling.
5. The Council's supplementary planning guidance 02 Householder Development (SPG) advises that amongst other matters, dormer windows should be subservient to the main

roof, cover no more than 50% of the roof area on which they are located and should be set down from the ridge. It also advises that materials for dormers should match or harmonise with the roof materials. This advice is in general accord with Policy SP2 of the Bridgend Local Development Plan (LDP), which amongst other matters, states that all development should contribute to creating high quality and attractive places, whilst having full regard to the built environment by having a design of the highest quality possible and being of an appropriate size.

6. Despite being set back from the roof's eaves and sides, the proposed dormer would cover an area substantially over 50% of the rear roof plane. Whilst I acknowledge the need to comply with Building Regulation requirements, the dormer's height would disrupt the otherwise continuous and clearly visible ridge line of the terrace from side and rear views. The use of horizontal cladding would not in itself be harmful subject to an appropriate finish and colour to effectively tie in with the existing tile roof. However, the proposed dormer, by virtue of its excessive size and elevated position, would display a distinct lack of subservience to the roof plane. Consequently, it would appear as a domineering structure, which would be visible from the front, side and rear public views. Whilst the appellant contends these views do not comprise main public routes, the harm to the existing form and proportions of the dwelling and terrace would nevertheless still exist, in a visually prominent position. As such, despite minimising the amount of greenspace used, the proposed dormer would fail to provide an appropriate form of modernisation for the dwelling, and it would harm the appearance of the surrounding area.
7. The appellant has referred to other examples of flat roof dormers in the general area. I am unaware of the planning status of these examples. Nonetheless, I saw that the larger dormer examples along Llangewydd Road and Goldsmith Road, which have similar heights to their respective ridges, reinforce my concerns that the proposed dormer would comprise an overly dominant and unsympathetic addition to the host dwelling. Other examples provided along Wordsworth Avenue and Goldsmith Road covered a smaller area of roof plane and as such, held greater levels of visual subservience than the proposed dormer. As such and having regard to the fact that each case should be treated on its own particular merits, I do not consider that such evidence should be determinative in this instance.
8. The terrace's hipped roofs, whilst distinctive, do not offer a particularly important design feature within the street scene given the prevalence of gable roofs in the vicinity. Furthermore, whilst located closer to the highway than the remaining terraced properties, this does not increase the dwelling's frontage prominence to a significant extent. A substantial distance and thus, visual separation from the terrace's other hipped roof is available, with a gable end roof on the neighbouring dwelling opposite. As such, the hip to gable extension itself would not cause a harmful unbalancing effect upon the terrace block or negatively affect the wider estate character. However, it would be inextricably linked to the rear dormer, which for the reasons identified above, would be harmful.
9. The proposed side/rear extension would wrap around the dwelling with a new lean-to roof, replacing a side flat roof section and linking to an existing rear lean-to. The Council does not object to this part of the proposal. I see no reason to disagree with the Council's view, having regard to its subservient and sympathetic design. This element would therefore comply with the objectives of LDP Policy SP2. As it is clearly severable from the proposed hip to gable dormer loft conversion, I have issued a split decision.

Other Matters

10. In reaching my decision I have had regard to the appellant's personal circumstances, in particular the need to accommodate a growing family. However, there is little evidence that the appeal proposal is the only realistic means of securing the identified benefits, and the harm I have identified would be significant. I do not therefore consider that my decision would result in a disproportionate effect on the interests of the appellant, and consequently it would be proportionate to withhold planning permission for the hip to gable dormer loft conversion in the circumstances. That the proposal has received no neighbour objections is of neutral weight to the appeal.

Conclusion

11. For the reasons given above and having regard to all other matters raised, I conclude that the appeal should be allowed in part and dismissed in part, as set out in the formal decision.

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 one or more of the Welsh Ministers' well-being objectives.

Richard James

INSPECTOR

SCHEDULE OF CONDITIONS

1. The development shall begin not later than five years from the date of this decision.

Reason: In accordance with the provisions of Section 91 of the Town and Country Planning Act 1990.

2. The development shall be carried out in accordance with the following approved plans insofar as they relate to the single storey side/rear extension only:

Site Location Plan, Drawing No. AP/01

Existing Ground Floor Plan, Drawing No. AP/02

Existing First Floor Plan, Drawing No. AP/03

Proposed Ground Floor Plan, Drawing No. AP/04

Proposed First Floor Plan, Drawing No. AP/05

Existing Elevations, Drawing No. AP/07

Proposed Elevations, Drawing No. AP/08

Section AA, Drawing No. AP/09

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

Ref: CAS-02978-D8C2G7

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 interest of maintaining and enhancing biodiversity, in accordance with Future Wales Policy 9.