

## Appeals

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

<b>APPEAL NO.</b>	CAS-03034-Z4Z4H7 (1997)
<b>APPLICATION NO.</b>	P/23/192/FUL
<b>APPELLANT</b>	Mr E EVANS
<b>SUBJECT OF APPEAL</b>	DETACHED 2 BEDROOM HOUSE: 4 NEW COTTAGES PENYFAI
<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 siting and design, would directly and unreasonably overlook the rear amenity areas and private garden spaces of properties to the immediate rear of the site, namely 24 & 26 Protheroe Avenue, contrary to policy SP2 of the Bridgend Local Development Plan (2013), advice contained within Supplementary Planning Guidance 02 - Householder Development and Planning Policy Wales, Edition 11 (February, 2021).
2. The proposed development will generate additional demand for on-street parking in close proximity to the nearby road junction and school entrance, to the detriment of highway safety, contrary to policies SP2 and SP3 of the Bridgend Local Development Plan (2013), advice contained within Supplementary Planning Guidance SPG17: Parking Standards and Planning Policy Wales, Edition 11 (February, 2021).

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<b>APPEAL NO.</b>	CAS-03042-Z4W3W1 (1998)
<b>APPLICATION NO.</b>	ENF/196/17/A21
<b>APPELLANT</b>	MR W TOTTERDALE
<b>SUBJECT OF APPEAL</b>	UNTIDY LAND: 4 ST NICHOLAS ROAD BRIDGEND
<b>PROCEDURE</b>	WRITTEN REPRESENTATIONS
<b>DECISION LEVEL</b>	ENFORCEMENT NOTICE

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

<b>APPEAL NO.</b>	CAS-03071-C2M9Y2 (2000)
<b>APPLICATION NO.</b>	P/23/360/FUL
<b>APPELLANT</b>	MR D FLOWER
<b>SUBJECT OF APPEAL</b>	RETENTION OF FRENCH DOORS AND BALCONY AS BUILT: 28 SANDERLING WAY PORTHCAWL
<b>PROCEDURE</b>	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 A**

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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 Decision

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by Helen Smith BA(Hons) BTP MRTPI

an Inspector appointed by the Welsh Ministers

Decision date: 09/02/2024

Appeal reference: CAS-03071-C2M9Y2

Site address: 28 Ffordd Sanderling, Nottage, Porthcawl, CF36 3TD

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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 David Flower against the decision of Bridgend County Borough Council.
  - The application Ref P/23/360/FUL, dated 1 June 2023, was refused by notice dated 13 September 2023.
  - The development is described as 'retention of French doors and balcony as built'.
  - A site visit was made on 17 January 2024.
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### Decision

1. The appeal is dismissed.

### Procedural Matter

2. The development has been completed and I have therefore considered the appeal on the basis that it seeks retrospective planning permission.

### Main Issue

3. This is the effect of the development on the living conditions of the occupiers of No. 29 Ffordd Sanderling (No. 29), having particular regard to privacy.

### Reasons

4. The appeal site relates to a modern detached dwelling located within a cul de sac. Due to the orientation and layout of the street, the adjacent dwelling, No. 29, is situated in front of the appeal property, separated by a detached garage and the driveway serving the appeal site. Planning permission has been granted for a dormer extension with facing windows on the front of the appeal property, however the appeal seeks to regularise the insertion of full glazed French doors and a balcony with a glass balustrade. The dormer and balcony face towards the rear garden of No. 29, and at my site visit I observed that the room which the French doors are serving is used as a lounge area with a settee and chairs.
5. Policy SP2 of the Bridgend Local Development Plan (LDP) seeks to, amongst other things, ensure that the viability and amenity of neighbouring uses and their

users/occupiers are not adversely affected. The Bridgend County Borough Council Householder Development Supplementary Planning Guidance 02 (SPG) provides additional advice to ensure that extensions respect the privacy of neighbouring houses. In regards to balconies, the SPG recognises that while few rear gardens are entirely private, some features can create a sense of unreasonable overlooking in neighbouring properties and that balconies often cause the greatest difficulty. It further advises that if a balcony is proposed it should be located or screened to prevent or minimise overlooking.

6. I saw that there are views from within the dormer extension from the French doors into some of the garden area of No. 29. However, these views are set back and from within the room. Furthermore, they would be similar to the views that would have existed from the window subject to the previously approved planning permission (app ref: P/20/522/FUL). From my observations on site, the distance between the French doors and the boundary of No. 29 are sufficient to ensure that the level of overlooking from within the room is acceptable and do not significantly harm the privacy of the occupiers of No.29.
7. Nevertheless, there are elevated, clear and direct views from the balcony into the majority of the rear garden of No. 29. Given the balcony's significant elevation and close proximity to the side boundary of No. 29, the roof of the intervening garage only screens a small proportion of the garden. The balcony therefore results in a level of overlooking of the garden area to No. 29 that is far more intrusive than those views from the French doors. The balcony, whilst modest in size, is large enough to accommodate several chairs and potentially a table and still have sufficient space for people to stand. Whilst the appellant contends that the balcony is only intended for use as a relatively small 'passive' sitting area, the intensity and frequency of its use could not be controlled. Furthermore, it would be more attractive during the summer months at a time when the occupiers of No. 29 would be more likely to use their garden area. Both parties are in general agreement that the distance from the balcony to the neighbouring property falls just below recommended separation distances in the SPG. Nonetheless, for the reasons given above, I find that the balcony results in a level of overlooking which significantly harms the privacy of the occupiers of No. 29. I note that the neighbouring occupiers have not objected to the development, nevertheless this would not justify the identified harm.
8. Whilst the use of obscure glazing on the 1.2m high balcony enclosure would limit views of the garden area when sitting in a chair on the balcony, it would not prevent direct views when standing, nor prevent an unacceptable perception of being overlooked for the neighbouring residents. The appellant has suggested alternative design options that include a higher obscure glazed screen on the front of the balcony or replacement with inward opening French doors and a Juliette balcony. However, the appeal process cannot be used to evolve a scheme and it would be for the appellant to submit an alternative scheme to the Council.
9. I conclude that the development causes significant harm to the living conditions of the occupiers of No. 29 with regard to privacy, contrary to policy SP2 of the LDP and the objectives of the SPG.

## **Conclusion**

10. For the reasons set out above, and having regard to all matters raised, the appeal is dismissed.
11. 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.

Ref: CAS-03071-C2M9Y2

*H Smith*

INSPECTOR