

Appeals

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

APPEAL NO. APPLICATION NO	CAS-03377-H9V6K6 (2008) P/23/246/FUL
APPELLANT	MR P BRAIN
SUBJECT OF APPEAL	CONVERSION OF PROPERTY TO 5NO. 2-BEDROOM FLATS; REAR DORMER EXTENSION: FIRE ESCAPE TO REAR: ARDWYN 53 COWBRIDGE ROAD BRIDGEND
PROCEDURE	WRITTEN REPRESENTATIONS
DECISION LEVEL	DELEGATED OFFICER

The application was refused for the following reasons:

1. The proposal, by reason of its position within a constrained site would result in a development that fails to make adequate provision within the curtilage of the building for usable outdoor private amenity space, and as such fails to achieve an acceptable living environment for the future occupiers of the residential units, 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 12, February 2024).

APPEAL NO. APPLICATION NO	CAS-03528-D2J2T8 (2011) P/24/81/FUL
APPELLANT	MR S KNIPE
SUBJECT OF APPEAL	Re-modelling of dwelling comprising alterations and extensions including increase in eaves and ridge height and the provision of flat-roof dormers: 1 The Whimbrels Porthcawl CF36 3TR
PROCEDURE	HOUSEHOLDER APPEAL
DECISION LEVEL	DELEGATED OFFICER

The application was refused for the following reasons:

1. The proposed development, by reason of its scale, design and form, represents an unsympathetic and unacceptable design that would be detrimental to the established character and appearance of the host dwellinghouse and the wider street scene on this side of The Whimbrels, contrary to Policy SP3 of the Local Development Plan (2024), Supplementary Planning Guidance Note 02: Householder Development and advice contained within Planning Policy Wales (Edition 12, February 2024).
2. The proposed development, by reason of its additional scale, orientation and design, would have an excessively dominating impact on the adjoining property (3 The Whimbrels) resulting in a significant loss of residential amenity through overbearing and overshadowing impact contrary to Policy SP3 of the Local Development Plan (2013), Supplementary Planning Guidance Note 02: Householder Development and Paragraph 2.7 of Planning Policy Wales (Edition 12, February 2024).

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

APPEAL NO. CAS-03175-P4C1C7 (2005)
APPLICATION NO. P/23/577/FUL

APPELLANT MR D & MRS M JOHN

SUBJECT OF APPEAL TWO STOREY REAR AND SIDE EXTENSION; SINGLE STOREY REAR EXTENSION; SIDE ENTRANCE PORCH AND WIDER DRIVE ENTRANCE WITH DROPPED KERB - RESUBMISSION OF REFUSED APPLICATION P/23/393/FUL: 32 MERTHYR MAWR ROAD BRIDGEND

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.

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 Helen Smith BA(Hons) BTP MRTPI

an Inspector appointed by the Welsh Ministers

Decision date: 24/07/2024

Appeal reference: CAS-03175-P4C1C7

Site address: 32 Merthyr Mawr Road, Bridgend, CF31 3NR

- 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 and Mrs David and Mary John against the decision of Bridgend County Borough Council.
 - The application Ref P23/577/FUL, dated 8 September 2023, was refused by notice dated 8 November 2023.
 - The development proposed is two storey rear and side extension; single storey rear extension; side entrance porch and wider drive entrance with dropped kerb - Resubmission of Refused Application P/23/393/FUL.
 - A site visit was made on 3 June 2024.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The replacement Bridgend County Borough Local Development Plan (LDP) 2018 – 2033 has been adopted and now forms the development plan for the purposes of the appeal. I consider that replacement Policy SP3 is relevant. The parties' views were sought on this policy, which I have had regard to in my decision.

Main Issues

3. The Council have raised no concerns in regard to the wider drive entrance with dropped kerb and having regard to the Council's Highway Officer's comments, I have no reason to disagree. The main issues are the effect of the proposed development on a) the character and appearance of the area; and b) the living conditions of the occupiers of 30 Merthyr Mawr Road, having particular regard to outlook.

Reasons

Character and appearance

4. The appeal site comprises a traditional semi-detached dwelling located on the northwestern side of Merthyr Mawr Road, which is predominantly characterised by large traditional semi-detached dwellings with simple hipped roofs separated by driveways.

Whilst the pairs of dwellings vary in style and some have been extended, including roof extensions, their similar size, predominant hipped roofs and regular spacings maintain a pleasing uniformity to this side of the street. Owing to the greater variety of styles and character of buildings, the southeastern side of the road has a distinctly different character to the northwestern side which does not detract from the general uniformity of the immediate context of the appeal site. Due to its location further to the south, the two-storey extension at No. 53 is not viewed in the context of the appeal property and therefore does not inform the character of its immediate vicinity. Although the pair of dwellings have attached garages to the side differing in design, due to their small scale, these do not affect the symmetrical appearance of the pair of semi-detached dwellings and do not detract from their character. As the adjacent dwelling, No. 30, is set back from the appeal property, and due to the stepped nature of the street pattern in this part of the road and the wide space between the appeal site and No. 30, the side of the dwelling is visually prominent when viewed from the northeast.

5. Policy SP3 of the LDP seeks to ensure, amongst other things, that developments have a design of the highest quality possible, whilst respecting and enhancing local distinctiveness and landscape character and be appropriate to its local context. This policy accords with the placemaking objectives of Planning Policy Wales (PPW). Although the previous LDP has been replaced, the thrust of policy SP3 of the replacement LDP is consistent with the objectives of the policy SP2 of the previous LDP, to promote good design. The Council's Supplementary Planning Guidance (SPG) 2 Householder Development advises that extensions and alterations should match or harmonise with those of the existing house and be in scale with the existing dwelling. It also advises that the symmetry of the original pair of semi-detached dwellings should be respected.
6. The Council have raised no concerns regarding the visual impact of the single storey rear extension and the side entrance porch and given the small scale of these elements I do not disagree. However, the proposed two storey rear and side extension would wrap around the side and rear elevation of the dwelling and would extend a significant length beyond the rear elevation. Despite the overall height of the proposed extension being marginally lower than the ridge of the main dwelling, it would have a high hipped roof to the front and a gable end to the rear which would be linked to the roof of the main dwelling by a lower pitched roof. This would result in a complex roof arrangement which would be at odds with the simple hipped roof of the main dwelling. This, in combination with its length would result in an extension of a significant scale and bulk, unsympathetic to the character of the host dwelling. Furthermore, despite the use of materials to match the existing dwelling, the blank upper part of the front and side elevation would exacerbate its scale and unsympathetic appearance. I acknowledge its narrow width and setback would result in the front elevation of the original dwelling being distinguishable. However, owing to its scale, bulk and unsympathetic design, the proposal would dominate the side elevation and would unbalance the pair of dwellings.
7. Owing to the set back of No, 30, most of the bulk and scale of the proposed two storey extension and its unsympathetic design would be visible from the street and would result in a discordant feature in its setting. This would harm the character of the immediate context of the site that I have identified. Whilst the proposal would be partly screened from wider views in the street, this would not lessen the harm and is not a reason to allow poor design.
8. I accept that the need for consistency in decision making is important and in this regard the appellants have drawn my attention to other extensions in the street which benefit from planning permission. However, the development at No.28 relates to a roof

extension and whilst the development at No.70 is similar to the appeal proposal in design, given its position on the straight section of the road where the adjacent dwelling is not set back, it is not as visible in the street. Therefore, I do not find these directly comparable to the appeal proposal and I have determined the appeal on its merits.

9. I conclude that the proposed development would cause material harm to the character and appearance of the area, contrary to Policy SP3 of the LDP and the objectives of PPW and the SPG.

Living Conditions

10. The adjacent dwelling, No. 30, is separated from the shared boundary of the appeal site by a driveway. Its front elevation is set back at a level comparable to the first-floor rear elevation of the existing dwelling at the appeal site. The side elevation of No. 30 has its front door and a number of windows facing the appeal site. These windows appear to serve a landing, understairs cupboard, both of which are obscured glazed, and kitchen and bedroom. The ground floor kitchen window is sited opposite the existing single storey garage which would be demolished to accommodate the proposed development. As the bedroom window is above the existing garage, it has an open aspect over the rear gardens of the adjacent dwellings.
11. The proposed two storey rear and side extension would not extend beyond the kitchen and bedroom windows in the side elevation of No. 30 and would be separated from them by the driveway. Therefore, despite the height, scale and bulk of the proposal, I find that the generally open outlook from these windows would be largely maintained. Consequently, the proposal would not be so overbearing that it would harmfully affect the outlook from the rooms which these windows serve. Whilst the proposed development would be sited directly opposite the other windows and the front door, as these serve non habitable rooms and as they are fitted with obscure glazing, it would not unduly affect the outlook of the occupiers of the dwelling. Although the proposal's scale and bulk would be apparent from the driveway, given that this is not a principal area of amenity space there would be no significant adverse effects on neighbouring amenity.
12. I conclude that the proposed development would not harm the living conditions of the occupiers of No. 30 in regard to outlook. It complies with Policy SP3 of the LDP which seeks to ensure, amongst other things, that the amenity of neighbouring uses and their occupiers will not be adversely affected. It also complies with the SPG which seeks to ensure, amongst other things, that no extension unreasonably dominates the outlook of an adjoining property.

Other Matters

13. I have had regard to the appellants' need to provide additional living and home working space, to modernise the property and the use of sustainable materials. However, the harm that I have identified would be significant and would be likely to remain in posterity. This does not therefore lead me to alter my decision. I note the appellants' intention to install solar panels, however, these do not form part of the proposal before me, and in any event, their installation could also form part of an acceptable development.

Conclusion

14. Although I have found no harm to the living conditions of the occupiers of No. 30, this does not outweigh the harm to the character and appearance of the area, which is an overriding consideration. For the reasons set out above, and having regard to all matters raised, I conclude that the appeal should be dismissed.

Ref: CAS-03175-P4C1C7

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.

H Smith

INSPECTOR