

Appeals

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

APPEAL NO.	2032
APPLICATION NO	P/24/274/FUL
APPELLANT	K FERNANDEZ
SUBJECT OF APPEAL	ERECTION OF BOUNDARY FENCE: 11 KINGFISHER CLOSE BRACKLA
PROCEDURE	HOUSEHOLDER
DECISION LEVEL	DELEGATED OFFICER

The application was refused for the following reasons:

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1. The proposed fence would comprise a blunt, prominent and unattractive visual intrusion into a significant sweep of trees and hedging which forms an important green edge to, and corridor alongside a busy thoroughfare within the settlement. The scale, position, materials and design of the proposed structure would not represent a high quality development and would neither respect nor enhance the distinctiveness and landscape character of the locality. The proposed development would therefore conflict with the terms and objectives of local and national planning policy and guidance as set out in Policy SP3 of the Bridgend County Borough Local Development Plan 2018 – 2033 (2024), and advice contained in Supplementary Planning Guidance 02: Householder Development (2008), in Planning Policy Wales Edition 12 (2024) and in Technical Advice Note 12: Design (2016).
 2. The development would reduce visibility for pedestrians and create an area of concealment at the junction of the footway on Coychurch Road and the public footpath leading to it from Kingfisher Close. This would impact adversely on the safe operation of the pedestrian routes around the site, increasing risk of collision, and would likely increase both the opportunity for crime and the fear of crime, so would represent a discouragement for the use of the route by pedestrians as a sustainable means of transport. The proposed development would therefore conflict with the terms and objectives of local and national planning policy and guidance as set out in Policies SP3, SP5 and PLA9 of the Bridgend County Borough Local Development Plan 2018 – 2033 (2024), and with advice contained in Planning Policy Wales Edition 12 (2024) and Technical Advice Note 18: Transport (2007).
 3. The proposed development would result in a material reduction in the depth of the significant belt of tree and other vegetation on the north side of Coychurch Road to the detriment of its contribution to the local ecosystem. The proposed development would not maintain, protect or enhance biodiversity and ecological networks / services, or the interconnectivity of them, and would therefore conflict with the terms and objectives of local and national planning policy and guidance as set out in Policies SP3, SP4, SP17, DNP6, DNP7 and DNP8 of the Bridgend County Borough Local Development Plan 2018 – 2033 (2024), and with advice contained in Supplementary Planning Guidance 02: Householder Development (2008), in Supplementary Planning Guidance 19: Biodiversity (2014), in Planning Policy Wales Edition 12 (2024) and in Technical Advice Note 05: Nature conservation and planning (2009).
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APPEAL NO.	2038
APPLICATION NO	P/24/631/FUL
APPELLANT	MR W J FLEMING

SUBJECT OF APPEAL	SINGLE STOREY REAR AND SIDE EXTENSION, REAR DORMER WITH 2 X JULIET BALCONIES, ALTERATIONS TO ROOF RIDGE AND PORCH (PART RETROSPECTIVE): 103 HEOL LAS NORTH CORNELLY
PROCEDURE	HOUSEHOLDER
DECISION LEVEL	DELEGATED OFFICER

The application was refused for the following reason:

1. The proposed development, by reason of its alternative form, scale, design and materials, fails to take into account the context and character of the host property with the front porch, increase in ridge height and rear dormer resulting in alien and incongruous features which have a significant detrimental impact upon the established appearance and character of the existing property, contrary to Policy SP3 of the Bridgend Replacement Local Development Plan (2024) and advice contained within Supplementary Planning Guidance Note 02 Householder Development, Technical Advice Note 12 Design (2016) and Planning Policy Wales 12 (Feb. 2024).

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

APPEAL NO.	2021
APPLICATION NO	P/24/21/FUL
APPELLANT	CARHYS
SUBJECT OF APPEAL	1NO. SINGLE STOREY BUNGALOW: 1NO. SINGLE STOREY BUNGALOW: LAND TO THE SIDE OF 1 GER Y BONT 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.**

APPEAL NO.	2029
APPLICATION NO	P/24/424/FUL
APPELLANT	MR C BOWEN
SUBJECT OF APPEAL	SINGLE STOREY EXTENSION TO FRONT OF DWELLING: 123 HEOL Y BARDD BRIDGEND
PROCEDURE	HOUSEHOLDER
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 B.**

APPEAL NO.	2030
APPLICATION NO	P/25/78/FUL
APPELLANT	MR A MORGAN
SUBJECT OF APPEAL	FIRST FLOOR SIDE EXTENSION AND PORCH EXTENSION TO FRONT ELEVATION: 86 TREMAINS COURT BRIDGEND
PROCEDURE	HOUSEHOLDER
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 C.**

APPEAL NO.	2020
APPLICATION NO	P/24/2/OUT
APPELLANT	MR P EVANS
SUBJECT OF APPEAL	OUTLINE PLANNING APPLICATION FOR ONE BLOCK OF 2 BEDROOM APARTMENTS (WITH APPROVAL FOR ACCESS) AND HIGHWAY IMPROVEMENT WORKS: PARCEL B LAND NORTH OF UNDERHILL COTTAGES TONDU 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 AND THE APPLICATION FOR COSTS REFUSED

The Appeal and costs application decisions are attached as **APPENDIX D**

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 L. Hughson-Smith LLB MSc MRTPI

an Inspector appointed by the Welsh Ministers

Decision date: 15/04/2025

Appeal reference: CAS-03938-H8P6H2

Site address: Land to the side of 1 Ger Y Bont, Bridgend CF31 1HZ

- 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 Carhys against the decision of Bridgend County Borough Council.
 - The application P/24/21/FUL, dated 4 January 2024, was refused by notice dated 26 June 2024.
 - The proposed development is one single storey bungalow.
 - A site visit was made on 28 March 2025.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The site address as stated on the application form is inaccurate, therefore I have taken the address as stated on the appeal form and decision notice.
3. I note the description of development as stated on the appeal form refers to one new single-storey bungalow with one bedroom, however, this does not accurately describe the proposal applied for. I have, therefore, reverted to the original description of development as stated on the original planning application and Decision Notice.

Main Issue

4. This is the effect of the proposal on the living conditions of prospective occupiers and the occupants of 1 Ger Y Bont, with particular regard to outlook.

Reasons

5. The appeal site comprises a parcel of land located to the side of No. 1 Ger Y Bont (No. 1) and positioned between the rear of properties along Castle View and Glynbridge Gardens. It sits at a significantly lower ground level than the surrounding residential development and was previously a railway cutting.
6. Whilst planning policy does not protect a view, the Bridgend County Borough Council's Local Development Plan (LDP) Policy SP3 requires all development to have design of the highest quality possible and ensure the amenity of neighbouring occupiers will not be adversely affected. Planning Policy Wales (Edition 12) (PPW) includes national

placemaking outcomes which, amongst other things, requires development to promote mental health and wellbeing.

7. The Council have referred to Supplementary Planning Guidance Note 02 Householder Development (2008) (SPG). Although aimed at householder development, it includes principles relevant to new residential development including that proposed boundary enclosures should not unduly dominate the outlook of an adjacent neighbour's habitable rooms.
8. Due to the appeal site's significantly lower ground level, the proposed dwelling would be positioned well below surrounding properties and require substantial retaining walls with fencing above along three boundaries. The proposed front and side elevations would be reasonably set back from the retaining walls, with intervening soft landscaping, ensuring no unacceptable overbearing impact on future occupants.
9. However, the proposed rear elevation, containing windows to two bedrooms and a bathroom, would be positioned in close proximity to a substantial retaining wall with sloping ground above. Due to its height and position, the retaining wall would have an overbearing impact on the proposed rear bedroom windows, creating an oppressive sense of enclosure that would not be conducive to a good quality internal environment for prospective occupiers. Whilst I acknowledge the proposed roof lights would ensure adequate daylight to these rooms they would offer no meaningful alternative outlook.
10. Regardless of prospective purchasers having the ability to choose if they are satisfied with the internal living environment, the proposal must be considered against the planning policy requirements of the adopted LDP and national policy, that requires high quality development that supports occupants' well-being, as set out above. The appellant refers to an approved planning application (ref: P/21/594/RES), however, limited details have been provided including its location. Given this, I have not been able to make a comparison between it and the proposed development. I have, therefore, considered the development on its own merits.
11. The proposed fence would be 2m in height and positioned adjacent to the existing fence, along the common boundary with No. 1. The appellant claims the existing fence is the same height as that proposed; however, this does not align with my observations during my site visit. Furthermore, the Council states the existing fence is approximately 1.6m tall. I am, therefore, of the view the proposed fence would be considerably higher than the current one.
12. Although the proposed fence would sit at an oblique angle to the front elevation of No. 1, it would be in close proximity to the nearest ground and lower ground floor windows. At present, the ground floor window benefits from a reasonable level of openness, as the existing fence only partially obstructs it, allowing some outlook above it. The increased height of the proposed fence, combined with its proximity to the window, would introduce a visually dominant and overbearing feature that would substantially reduce the sense of openness to an extent that would be oppressive. Overall, the proposed fence would have a considerably more harmful impact on the living conditions of the occupants of No. 1 than the existing arrangement.
13. The appellant suggests the proposed fence benefits from permitted development rights, however, there is no cogent evidence of a lawful fallback position before me. They also refer to an example of an approved 2m fence at the land to the rear of 2 Hillcrest, Penyfai, (ref: P/22/322/FUL). However, the information provided indicates that the approved fence has a reasonable offset from the property's windows unlike the appeal proposal. It is not, therefore, directly comparable and I have determined the appeal on its own merits.

14. I conclude that the proposal would have a harmful impact on the living conditions of the prospective occupiers and the occupants of No.1 Ger Y Bont with particular regard to outlook. This would conflict with LDP Policy SP3, PPW and the objectives of the SPG.

Other Matters

15. I have not been provided with sufficient information to determine whether the appeal site is brownfield land. However, even if I were to assume that it is and give this weight along with the other benefits, which include a housing net gain in a sustainable location, I consider the scope of these benefits to be limited due to the small-scale nature of the development. As such, they would not justify or outweigh the harm identified above.
16. I note the appellant's concerns in relation to the Council's consideration of the planning application, including the lack of communication. These matters, however, are not relevant to the planning merits of the appeal proposal.

Conclusion

17. For the above reasons, and having regard to all matters raised, I conclude that the appeal should be dismissed.
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.

L. Hughson-Smith

INSPECTOR



Appeal Decision

by P J Davies BSc (Hons) MA MRTPI

an Inspector appointed by the Welsh Ministers

Decision date: 10/07/2025

Appeal reference: CAS-04216-Q1L6T4

Site address: 123 Heol Y Bardd, Bridgend CF31 4TD

- 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 Clive Bowen against the decision of Bridgend County Borough Council.
 - The application Ref P/24/424/FUL, dated 15 July 2024, was refused by a notice dated 3 April 2025.
 - The development proposed is described as 'construct single storey extension to front of dwelling'.
 - A site visit was made on 2 July 2025.
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Decision

1. The appeal is dismissed.

Main Issue

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

Reasons

3. The appeal relates to a modest semi-detached bungalow in a short cul-de-sac of similar pairs which share commonalities in appearance, scale and design. They also display visual consistency in their layout and siting set back in a regular manner from the highway, enclosed primarily with low front boundary walls and soft forms of landscaping. I observed a timber garden building at the top end of the street, but otherwise the cul-de-sac retains a cohesive and spacious character.
4. The proposal would extend close to the front boundary and would be a wide and deep structure relative to the simple proportions of the dwelling's front elevation. Its siting and scale would therefore combine to form a prominent feature in the front garden which would demonstrably disrupt the clearly defined visual rhythm of the street. Unlike a porch falling within permitted development rights, the proposal would cause significant visual intrusion and would fail to respect the context I have described.
5. My attention is drawn to other front extensions along Oaklands Avenue, but these relate to a different street scene where there is more diversity to the street layout and

appearance. I also note the photo of a front extension to another similar property which appears to be within a nearby cul de sac. However, this forms a 'bookend' to the cul-de-sac and derives some symmetry with another front extension at the other end of the street. None of the examples shown to me have influenced the individual context of the appeal site, and they do not therefore justify the identified harm. I note the appellant has offered to reduce the size of the extension, but my assessment must be based on the scheme that was subject to the Council's decision.

6. I conclude that the proposal would be harmful to the character and appearance of the area contrary to the design and placemaking principles of Policy SP3 of the adopted Bridgend County Borough Local Development Plan 2018 – 2033, and the Council's Supplementary Planning Guidance Note 2 – Householder Development.

Conclusions

7. For the above reasons and having regard to all matters raised, I conclude that the appeal should be dismissed.
8. 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.

P J Davies

INSPECTOR



Appeal Decision

by J P Tudor BA (Hons), Solicitor (non-practising)

an Inspector appointed by the Welsh Ministers

Decision date: 08/07/2025

Appeal reference: CAS-04229-W2F7Q7

Site address: 86 Tremains Court, Brackla, Bridgend CF31 2SS

- 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 Morgan against the decision of Bridgend County Borough Council ('the Council').
 - The application Ref: P/25/78/FUL, dated 12 February 2025, was refused by notice dated 21 March 2025.
 - The development proposed is first floor side extension and porch extension to front elevation.
 - A site visit was made on 18 June 2025.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The proposed development seeks to address concerns raised in relation to a previous scheme refused by the Council (ref: P/23/403/FUL) and dismissed on appeal (ref: CAS-03334-L5K8C7). While I have considered that aspect, my primary role is to assess the current proposal on its own merits against relevant policy and guidance rather than relative to a previous refused scheme.

Main Issue

3. The main issue is the effect of the proposed development on the character and appearance of the host dwelling and the area.

Reasons

4. The appeal site comprises a detached two-storey dwelling located on a corner plot within a residential estate. A two-storey gable section projects to the front of the house and there is a single-storey hipped roof element to the side. A driveway to the front is adjacent to a small lawned garden with a low hedge bounding the pavement and road. There is further garden space to the side and rear of the property enclosed by wooden fencing. The estate is characterised by a range of house types, which are repeated, along with the use of common materials such as red brick, brown tiles for roofs, and

brown fenestration. The houses have mainly open frontages. The combination of these elements provides a sense of cohesion.

5. The proposed first-floor side extension would involve replacing the front part of the single-storey section to the side of the house with a new two-storey front gable. At the rear, the first-floor addition would be set in from the existing main elevation. There would also be a new central front porch extension. The submitted drawings indicate that the extensions would be finished in materials matching those used in the current building.
6. Policy SP3 of the Bridgend County Borough Local Development Plan 2018-2033, Adopted 13 March 2024 ('LDP'), indicates that all development must contribute to creating high quality and attractive places by demonstrating alignment with the principles of good design. In addition, it must, among other things, have a design of the highest quality possible, while respecting local distinctiveness and landscape character and be appropriate to its local context in terms of size, scale, height, massing, elevational treatment, materials and detail, layout, form, mix and density.
7. The Council's adopted Supplementary Planning Guidance, SPG02 Householder Development ('SPG') advises that the form, materials, and details of extensions and alterations should harmonise with those of the existing house, reinforcing its character by appearing to be a natural part of the building and that extensions should be compatible in form (6.4 Note 11). Furthermore, that an extension should be in scale with the existing dwelling (6.5 Note 12).
8. The proposed front gable would appear similar to the existing gable projection in design and scale, giving an impression of a double-fronted property, albeit its set-back position would detract from that to an extent. However, the central porch extension, with its lean-to roof reaching down from the main roof and its door to one side, would form only a partial and incongruous link between the gables. Combined with a discordant series of roof planes, the extensions would create an odd façade that would be visible in views from the road and from adjacent properties. The proposed development would, therefore, have an adverse visual effect on the existing dwelling and on the street scene, which the use of matching materials would not sufficiently mitigate.
9. In addition, the Council advises that the full width of the first-floor extension would be approximately 5.4m compared with an existing first-floor width of about 8m, figures which have not been disputed by the appellant. As this would increase the width of the host dwelling, albeit at first floor level only, by over 50%, the Council considers that the extension would not appear subservient to, or in proportion with, the existing building. The ground floor footprint would not increase significantly as a result of the extensions and I recognise that attempts at subservience, including the set down of the side extension roof from the main roof, have been made. Notwithstanding, I consider that the overall size, scale and design of the proposed development would appear disproportionate in relation to the existing building and adjacent properties.
10. Moreover, although there are different house types on the estate, I did not see directly comparable double-fronted style houses with two projecting gables in the immediate street scene. In any event, given the design and scale of the extensions, I consider that they would result in a dwelling that would appear out of keeping with those in this part of the estate. That visual dissonance would be particularly apparent in both public and private views as the appeal site is in a prominent corner location, albeit at the entrance to a cul-de-sac.
11. The appellant has referred to other examples of side extensions within Tremains Court and Briary Way, which I viewed on my site visit. While some properties appear to have two-storey side extensions or extensions above garages, those that I saw bore limited

resemblance to the appeal proposal. In any event, it is a truism that each case should be decided on its own particular merits. Therefore, while I have considered those examples, they do not lead me to alter my decision.

12. Overall, I conclude that the proposed development would have an adverse effect on the character and appearance of the host dwelling and the area. It follows that it would be contrary to LDP policy SP3, including its 'good design' principles, and design advice for extensions detailed in the SPG, as summarised above, both of which are broadly in accordance with national policy contained in Planning Policy Wales (2024).

Conclusion

13. I appreciate that the proposed development would have benefits for existing and future occupiers in expanding the available living space within the dwelling. However, in this case, that would not outweigh the harm identified to the character and appearance of the existing building and the area.
14. For the reasons given above and taking account of all other matters raised, I conclude that the appeal should be 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 ('the Act'). I consider that this decision is in accord with the Act's sustainable development principle through its contribution towards one or more of the Welsh Minister's well-being objectives as required by section 8 of the Act.

JP Tudor

INSPECTOR



Appeal Decision

by Helen Smith BA(Hons) BTP MRTPI

an Inspector appointed by the Welsh Ministers

Decision date: 10/07/2025

Appeal reference: CAS-03855-D9G8D3

Site address: Parcel B, Land North of Underhill Cottages, Tondu Road, Bridgend

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for outline planning permission.
 - The appeal is made by P Evans against Bridgend County Borough Council.
 - The application Ref P/24/2/OUT is dated 30 December 2023.
 - The development proposed is described as 'highway improvement works and outline planning permission for one block of 2 bedroom apartments (with approval for access)'.
 - A site visit was made on 30 May 2025.
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Decision

1. The appeal is dismissed and planning permission is refused.

Procedural Matters and Background

2. The appeal has been submitted against the non-determination of a planning application for outline planning permission. The Council issued a Decision Notice refusing the planning permission outside of the dual jurisdiction period. I have used the Decision Notice and Officer's Report as the basis for identifying the main issues in relation to this appeal.
3. The application was made in outline with access to be agreed. All other matters are reserved for subsequent approval. I have therefore treated the submitted site layout plan, together with the site sections and street scene drawings as indicative. The indicative site section plan shows that the scale parameters of the height of the proposed building are between 8 and 9m. I have considered the appeal on that basis.
4. There is a detailed planning history associated with this site. An outline application for up to 24 dwellings was dismissed at appeal in 2019 on the grounds of the effect on the character and appearance of the area and highway safety together with the impact on trees and features of importance for local ecology. (Ref: APP/F6915/A/19/3237153). A later proposal for up to 9 dwellings was also dismissed on appeal for similar reasons (Ref: APP/F6915/A/20/3249034). An appeal against a refusal to fell 33 trees protected by a Tree Preservation Order (TPO) and the planting of replacement trees along the southern, western and northern site boundaries was dismissed in February 2022 insofar as it related to 29no. trees but allowed insofar as it related to 4no. trees (Ref: CAS-01379-M4T9Y9). More recently, an appeal against a refusal for outline planning application for residential development for 15 dwellings with approval for access was

dismissed in August 2023 on the grounds of harm to the character and appearance of the area, living conditions of future occupiers, trees and ecology and highway and pedestrian safety (Ref: CAS-02289-T3Y1C3)(the 2023 appeal decision).

5. These previous appeals related to a larger site than the appeal site. This larger site has been split into 2 and are referred to in the appeal submissions as 'Parcel A' and 'Parcel B'. The appeal scheme relates to 'Parcel B', the northern section of the larger site. Parcel A was subject to a separate planning application for outline planning application for one block of 2 bedroom apartments (with approval for access) and highway improvement works (Ref: P/24/1/OUT). This planning application was refused by the Council in December 2024.
6. The Council declined to determine the planning application subject of this appeal under Section 70A of the Town and Country Planning Act 1990 (as amended), as they considered that a similar proposal had recently been refused by the Council and dismissed on appeal. This decision was quashed by the High Court. The appellant states that the High Court Decision validates the proposal's merits and urges approval. However, the High Court Decision relates to the Council's decision to decline to determine the planning application and clearly states that nothing said in that judgment should be taken as any indication as to how the application should be determined, which is a matter for the authority. I have determined the appeal on that basis.
7. In response to the Council's statement, the appellant's final comments include a Transport and Highway Rebuttal. It states that this document seeks to *address* [my emphasis] and respond to the Council's Highways comments. In doing so, a revised drawing package (Revision E) of the proposed highway improvements has been submitted and seeks to replace the drawing package submitted with the planning application (Revision D).
8. However, whilst the appellant is entitled to provide evidence to overcome objections raised at the planning application stage, Section 78(4BA) of the Town and Country Planning Act 1990 (as amended) is clear that, once notice of an appeal under this section to the Welsh Ministers has been served, the application to which it relates may not be varied, except in such circumstances as may be prescribed by a development order. Article 26C of the Town and Country Planning (Development Management Procedure) (Wales) Order 2012 (as amended) goes on to clarify that, for the purposes of Sections 78(4BA) of the 1990 Act, the prescribed circumstance is that where an application to which the appeal relates contains a correctable error.
9. In this case, the revised drawing package includes additional signage, narrowing of the central reservation and changes in the design of the lay-by/pick up drop off point. I am not therefore persuaded that the amended plans simply seek to correct an error on the previous plans. I have therefore had no regard to these revised plans in my decision. For clarity, my decision is based on the plans considered by the Council, Revision D.

Application for Costs

10. An application for costs has been made by P Evans against Bridgend County Borough Council. This application is the subject of a separate Decision.

Main Issues

11. The main issues are the effect of the proposed development on:
 - the character and appearance of the area;
 - trees and features of importance for local ecology;

- whether the development would comply with planning policies relating to sustainable transport and its effect on highway and pedestrian safety; and
- the living conditions of future occupiers.

Reasons

Character and appearance

12. The appeal site forms part of a wider broadly linear parcel of land located on the western side of the A4063 Tondu Road. It has a steep gradient and comprises a largely wooded area incorporating a large number of mature trees. As the appeal site and the wider parcel of land it sits within comprises a significant wooded area, it has a verdant character which provides an attractive visual break in the otherwise built-up area and significantly contributes to the character of the area. The site's important contribution to the character of the area is supported by the Inspectors comments on the previous appeals.
13. The western side of the A4063 is largely free from development, other than some small scale two storey dwellings to the south on the corner of Mill Lane and a two storey dwelling some distance to the north. Owing to its location immediately adjacent the A4063, one of the main routes into and out of the town centre, the site occupies a visually prominent location. Although there is a 3 storey block of flats in Millfield, this is sited on the opposite side of the dual carriageway, is set well back and at a lower level than the A4063 and does not generally inform the character of the residential development in the area.
14. Although scale, layout and appearance have been reserved for subsequent consideration, the scale parameters and the indicative plans are material considerations. The proposal is for the erection of a block of 9 apartments which would have a height of between 8 and 9m. The indicative drawings show a 3 storey flat roof building taking up the majority of the frontage of the site onto the A4063, located close to the road.
15. In dismissing the 2023 appeal, the Inspector considered that two separate blocks of the height specified, combined with their proposed width and depth, would read as bulky and monolithic. Whilst that decision related to 2 separate blocks on a larger site, the larger block was proposed on this appeal site, and therefore I consider the Inspector's conclusions relevant to this appeal in this respect. Although the height parameters would be lower than that previous scheme, which were 8.5m to 9.5m, this would be marginally so. Furthermore, as the indicative street scene drawings show that the appeal scheme would be 3 storey with a flat roof, this, in combination with its length and depth, would result in a large scale and bulky building which would be at odds with the limited number of small-scale buildings in its immediate context.
16. Owing to its scale and bulk, the proposal would significantly erode the verdant character of the appeal site and would be seen as a bulky and unsympathetic development which would be visually dominant in its otherwise verdant and wooded setting. It would therefore be an unduly discordant development, inappropriate in its context. This would unacceptably harm the character and appearance of the area.
17. I conclude that, for the reasons set out above, the proposed development would significantly harm the character and appearance of the area, contrary to the objectives of Policy SP3 of the Adopted Bridgend County Borough Council Local Development Plan (2018 – 2033)(LDP), which seeks to ensure that all developments contribute to creating high quality, attractive and sustainable places. It also conflicts with the placemaking objectives of Planning Policy Wales (PPW).

Trees and ecology

18. The site is located within the Cefn Glass Wood Site of Importance for Nature Conservation (SINC), which is designated for its semi natural woodland with an assemblage of indicator species and containing disused quarries with shaded rock exposure and scrub. The site comprises semi natural broad-leaved woodland and is covered by a Tree Preservation Order (No.3) 1954 (TPO) and forms part of a Restored Ancient Woodland Site (RAWS).
19. PPW aims to protect and enhance habitats and biodiversity and to improve the overall resilience of ecosystems through a step-wise approach. It identifies the great importance of trees and woodlands for biodiversity, in particular urban trees, and advises that they are important connecting habitats for resilient ecological networks and make an essential wider contribution to landscape character, culture, heritage and sense of place, air quality, recreation and local climate moderation. In this regard it requires compensatory planting for trees that are removed as part of a proposed scheme and states that replacement planting shall be at a minimum ratio of at least 3 trees of a similar type and compensatory size planted for every one lost.
20. PPW continues to state that a green infrastructure statement (GIS) should be submitted with all planning applications, proportionate to the scale and nature of the development proposed. This will describe how green infrastructure has been incorporated into the proposal and “must be used for demonstrating how the step-wise approach has been applied”. LDP policies DNP5, DNP6, DNP7 and DNP8, and the advice in the Council's Supplementary Planning Guidance 19 Biodiversity and Development (SPG), are consistent with the objectives of PPW.
21. The appellant's Tree Survey covers the appeal site and the southern part of the larger site subject to the previous appeals. In relation to the appeal site, whilst it shows that some of the trees within the site are of low quality and need to be removed due to Ash Dieback, and that some are dead, there are a number of individual trees and a large group of trees that are identified as Category B's (moderate quality). A further Arboricultural Assessment identifies some trees on the boundary of the site adjacent to the A4063 as being at risk of failure but clarifies that the remedial works required are specified only in relation to the trees which are dead, dying and dangerous.
22. The removal of any trees that are dead, dying or dangerous, would not significantly erode the site's contribution to the wider area of woodland, as the remaining trees would still provide a sufficient tree coverage within the site. The indicative layout shows that only 2 trees would be retained and therefore the proposed development would result in a substantial loss of protected trees. This would erode the woodland which significantly contributes to the verdant setting of the locality and its function as a green buffer in the urban environment.
23. Furthermore, although the appellant contends that proposed replacement planting would be at a 4:1 ratio, the Indicative Site Layout Plan and the Ecology Enhancement Plan shows that this replacement planting would be predominantly on the boundaries of the site, due to the amount of the site taken up by the proposed building and the amenity areas. Owing to the constrained nature of the site, I am not persuaded that there would be sufficient space to provide adequate compensatory size and type of trees to replace those mature trees lost, as required by PPW.
24. Even though no protected species were found to be present on the site during the preliminary ecological survey and the Preliminary Roost Assessment (Ground Level Tree Assessment) (PRA), the Ecological Appraisal identifies the site as having a high local ecological value with the woodland on site being part of an area of RAWS and the SINC.

The PRA also recognises that the site is good habitat for foraging and commuting bats. I am also mindful of the Inspector's observations in the previous appeals that the trees and habitats are important and integral features of the SINC, which supports my view. Such a loss of these features would harm the integrity of the SINC and the RAWS.

25. I have had regard to proposed mitigation and enhancement measures set out in the Biodiversity Enhancement and Mitigation Plan and the Ecological Construction Method Statement, which include proposed tree and grass planting, a range of artificial habitats such as bat bricks/boxes, bird boxes/bricks or swift/swallow cups, hibernacula/log brush piles and hedgehog domes. However, given the extent and nature of the habitat to be lost, and my findings on the proposed tree replanting, I do not consider that the proposal would adequately mitigate its impacts, nor would it provide a net gain in biodiversity. Moreover, whilst a GIS has been submitted, it fails to demonstrate that a stepwise approach has been applied, as required by PPW.
26. I note that Natural Resources Wales made no comments on the application. Nevertheless, they stated that the decision not to comment does not rule out the potential for the proposed development to affect other interests, including environmental interests of local importance. This therefore does not override the Council's Ecologist's objection to the proposal or my findings.
27. To conclude, the proposed development would result in the loss of trees and habitat that are important features of the SINC. It would harm the character and appearance of the area and the biodiversity characteristics of the site. It also fails to demonstrate that a stepwise approach has been applied and that it would deliver a net benefit for biodiversity. For these reasons, the proposed development would result in the unacceptable loss of trees and features of importance for local ecology, contrary to LDP Policies DNP5, DNP6, DNP7 and DNP8 and the objectives of the SPG and PPW.

Highway matters

28. The appeal site is located on the dual carriage way section of the A4063 which has a speed limit of 50mph and a central reservation. At my site visit, I saw that vehicles appeared to be travelling at or around this speed limit and the flow of traffic was consistent. There are no footways on the western side of the road in the immediate vicinity of the appeal site.
29. Approval of access to the site is sought as part of the appeal scheme and the proposal includes highway improvement works. Unlike the previous appeals, this appeal scheme is being promoted as a 'car free development' and therefore provides no parking provision within the site. A universal pick up/drop off point/lay-by is proposed on the highway verge between the site's frontage and the A4063. Other proposed highway works includes the provision of a shared space refuge island and crossing point on the A4063 to the south of the appeal site, the widening of existing footways and the provision of an off road shared 3m wide footway/cycle, tactile paving, white lining and hatching on the highway, including narrowing of the northbound carriageway to a single lane.
30. PPW states that good design is about avoiding the creation of car-based developments and seeks to ensure that development proposals are fully integrated with networks for walking and cycling to access work, education, services and facilities. Whilst Policy 12 of Future Wales (FW) supports car-free developments, this is in the context of accessible locations. In relation to car parking, PPW 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. LDP Policies SP5 and PA11 are consistent with the objectives of PPW and FW.

31. The Council's SPG 17 – Parking Standards identifies the site as falling within Zone 4 (Suburban or Near Urban). In such areas new build apartments are expected to provide 1 parking space per bedroom (maximum of 3 spaces). In relation to sustainability, it states that other than for Zone 1 City Centre locations and Zone 2 Town Centre locations, the reductions in parking requirement for residential units shall not result in less than one parking space remaining (unless exceptional circumstances apply). Consequently, given its location, and as there is no mechanism before me to ensure that residents would not have access to a car or any other exceptional circumstances, the proposed development would result in a parking demand. Indeed, the appellant's Transport and Highway Rebuttal acknowledges that it would likely result in an offsite parking demand of up to 6 cars or vans.
32. The appellant states that this demand would likely be accommodated through on-street provision along Tynton Road, Lewis Avenue, Millfield, and Trews Field Industrial Estate, as well as within the Tondy Road surface pay-and-display car park, all of which are located on the opposite side of the A4063. The closest available on street parking would be Trews Field Industrial Estate and given its location opposite the appeal site, it is likely that residents would park here and would likely attempt to cross the A4063 at this location. Even if the other on street parking areas were used, residents would still have to negotiate crossing the busy road and walk some distance. I note that the proposed highway improvements would include a shared space refuge island and a crossing point, nevertheless, this would be located some distance to the south of the site and would therefore not be convenient for residents, especially if they are carrying shopping bags, or for visitors to the site. Given the nature and speed of vehicles on this part of the road, this would give rise to an increase in the risk of conflict of pedestrians accessing the site with vehicles using the A4063.
33. Whilst a Traffic Regulation Order (TRO) could be used to prevent parking on the A4063 and within the lay-by, and limit its use to loading only, owing to the inconvenience of the available on street parking in the area, it is likely that residents would utilise the proposed lay-by to unload shopping. The lay-by would also likely be used by visitors, taxi's, delivery and servicing vehicles accessing the proposed development. Given that the site would accommodate 9 dwellings, it is likely that there would be times when multiple vehicles would need to use the lay-by. In these circumstances vehicles would have to wait on the highway to access the lay-by at a point where the highway would be reduced to a single carriageway. I note the appellant considers that based on the capacity and flows of the highway it could accommodate existing movements in a single carriageway arrangement. Nevertheless, vehicles waiting on the highway would impact the free flow of traffic.
34. Furthermore, given the distance that southbound and northbound traffic would have to travel to turn around to either access or leave the lay-by, any such vehicle movements to and from the lay-by would be likely to give rise to hazardous U turn movements. The appellant states that this would be circa 8 daily movements. The appellant proposes to mitigate any harm by traffic orders and signage prohibiting such movements and the reduction of the speed limit of the road from 50mph to 30mph. Such mitigation was also proposed in the previous appeal schemes and I note the Inspectors did not consider the reduction in the speed limit was justifiable. I also note that such a variation of the speed limit was not supported by the Highway Authority in the previous schemes, and I have no evidence to suggest that the Highway Authority would now support such a variation. There are also no details of such traffic orders before me. In these circumstances, I am not persuaded that highway safety concerns could be overcome. As such, the proposal would be detrimental to highway and pedestrian safety.

35. Unlike the 2023 appeal scheme, the proposed highway improvements seek to improve the pedestrian and cycle links to and from the proposed development in line with the Active Travel requirements. A Unilateral Undertaking (UU) has been submitted with the appeal which includes the contribution of £18,000 to the Council for the purpose of funding the proposed off-site highway improvement works, including pedestrian/cycle facilities and lay-by enhancements along Tondur Road. However, this UU is not complete and I give it little weight in my decision.
36. In any event, the Highway and Transport Rebuttal confirms that these works would have to be subject to a full costing exercise and given the extent of the proposed highway works, I am not convinced that such a contribution would be sufficient to provide the proposed highway, pedestrian and cycle links improvements. The Council's Statement references a contribution of £18,000 but that is in relation to the processing of necessary legal traffic orders to enforce signage required in the vicinity of the application site and not in relation to the provision of the proposed highway improvements. Furthermore, it is unclear how the 3m wide footway/cycleway would continue along the site's frontage given the location of the proposed lay-by. This was also highlighted in the Road Safety Audit (RSA) but it stated that it was outside of its scope. In these circumstances, the proposal would not accord with the objectives of PPW relating to Active Travel that seeks to ensure that new developments are fully accessible by walking and cycling.
37. Furthermore, the Council state that the bus stops located reasonably close to the appeal site are not served by any public transport owing to the cessation of the bus services in 2019 due to the commercial viability of the routes. I have no evidence to suggest otherwise or that these services would be reintroduced in the future. The next nearest public transport links can be found at the Bridgend Bus Station which provides good services. Nevertheless, owing to its distance from the appeal site, it is unlikely that residents would use this mode of transport for day-to-day movements, including access to schools, workplaces and essential facilities, particularly in inclement weather. Consequently, the site would not be fully accessible by a range of transport modes and the residents would be reliant on the use of cars, despite the proposal being promoted by the appellant as a 'car free development'.
38. I note that the RSA did not identify any areas of concerns, nevertheless, it is clear that this was based on the introduction of pedestrian and cycle improvements associated with a 'vehicle free' residential development. As such this does not overcome the harm I have identified.
39. To conclude, the proposed development fails to demonstrate that it would be fully accessible by a range of different transport modes and would be harmful to highway and pedestrian safety, contrary to Policies SP5 and PA11 of the LDP and the sustainability objectives of PPW.

Living Conditions

40. The indicative site layout shows that the proposed building would be sited in the eastern part of the narrow site and that the remainder of the site would comprise of amenity areas for the proposed flats. The Council have not provided any specific space standards for flats. Nevertheless, Policy SP3 of the LDP seeks to protect, amongst other things, the amenity of future occupiers. This policy is in general accordance with PPW's objective to achieve good design which it states is fundamental to creating sustainable places where people want to live, work and socialise. The Council has referenced Supplementary Planning Guidance 02 Householder Development (SPG), however, as the advice in this SPG relates to extensions and alterations to dwellings, I do not consider it particularly relevant to this proposal.

41. In the 2023 appeal decision, the Inspector considered that access to outdoor space would need to be of a sufficient size and quality to cater for the day-to-day needs of the future occupants of the dwellings. Such day-to-day needs include activities such as sitting out and relaxing, socialising and hanging washing out. The Inspector concluded that they were not satisfied that there would be sufficient space of a reasonable quality for each dwelling to meet the day-to-day needs of the future occupiers. As no on-site car parking or access road are proposed in this appeal scheme, the area shown as amenity spaces would be larger than what was proposed relating to the Block on the northern part of the site in the 2023 appeal decision. The indicative site layout shows that the amenity areas for each flat would range from 35 m² to 94 m², with additional communal areas including bike and bin stores.
42. Nevertheless, owing to the sloping topography of the land, the dense surrounding woodland and the extent of the proposed replacement tree planting on the boundaries of the site and within the proposed amenity areas, such spaces would be severely overshadowed and dominated by the tall trees. This would result in dark and oppressive outdoor amenity areas that would not meet the day-to-day needs of future occupiers of the flats.
43. Consequently, although the size of the amenity areas may be appropriate to the size of the proposed development, and larger than those proposed in the previous scheme, from my observations on site, and on the basis of the evidence before me, I am not satisfied that the appeal proposal would provide adequate quality outdoor amenity space for its future occupiers. The proposed development would not provide suitable living conditions for future occupiers, contrary to the objectives of Policy SP3 of the LDP and PPW.

Other Matters

44. I acknowledge the contribution the proposed development would make to the housing supply in Bridgend, particularly in relation to the provision of affordable housing. Nevertheless, this, nor any of the other cited benefits of the proposed development, including any social and economic benefits, do not outweigh the considerable harms I have identified.
45. I note the representations raising concerns relating to the stability of the appeal site as a consequence of the proposed development. However, I have no cogent evidence that it would be unacceptable for this reason. Any impact on property values is not a planning matter.

Conclusion

46. For the reasons set out above, and having regard to all matters raised, I conclude that the appeal should be dismissed and planning permission be refused.
47. 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



Costs Decision

by Helen Smith BA(Hons) BTP MRTPI

an Inspector appointed by the Welsh Ministers

Decision date: 10/07/2025

Costs application in relation to Appeal Ref: CAS-03855-D9G8D3

Site address: Parcel B, Land North of Underhill Cottages, Tondu Road, Bridgend

- The application is made under the Town and Country Planning Act 1990, sections 78, 322C and Schedule 6.
 - The application is made by P Evans for a full award of costs against Bridgend County Borough Council.
 - The appeal was against the failure of the Council to issue a notice of their decision within the prescribed period on an application for planning permission for highway improvement works and outline planning permission for one block of 2 bedroom apartments (with approval for access).
 - A site visit was made on 30 May 2025.
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Decision

1. The application for an award of costs is refused.

Procedural Matters and Background

2. The planning application was registered as valid by the Council on 23 January 2024 following the receipt of a bat survey. On the same day, the Council made a decision to decline to determine the planning application, in addition to a similar application on the adjacent site (Parcel A), under Section 70A of the Town and Country Planning Act 1990 (as amended). This decision was challenged and ultimately quashed by the High Court on 18 October 2024 (the High Court Decision).
3. An appeal against the non-determination of the planning application was submitted on 8 November 2024. The Council refused the application on 12 December 2024. However, as the valid date of the planning application ran from the initial valid date (23 January 2024), the Council's decision was outside the dual jurisdiction period.

Reasons

4. The Section 12 Annex 'Award of Costs' of the Development Management Manual ('the Annex') advises that, irrespective of the outcome of an appeal, costs may only be awarded against a party who has behaved unreasonably, thereby causing the party applying for costs to incur unnecessary or wasted expense in the appeal process.
5. The applicant states that the Council has acted unreasonably due to significant and substantial delays and that they refused to engage with him and refused to determine the application following the High Court Decision.

6. It is clear to me that the delay in the determination of the planning application was as a consequence of the proceedings relating to the challenge to the Council's decision to decline to determine the application. Once that decision was quashed, the Council had to undertake the required consultations to enable them to proceed to a determination.
7. The appeal against non-determination was submitted 3 weeks after the High Court Decision. As the valid date of the planning application was effectively back dated to the date of the decision to decline to determine the application, it would have been impossible for the Council to determine the application within the statutory time limit following the High Court Decision. Whilst Councils are expected to determine applications in a timely manner, there are often extenuating circumstances which prevents this, such as is the case here.
8. Although the Council's decision to refuse the planning application was outside of the dual jurisdiction period, it showed that the Council had intended to determine the application, as instructed by the High Court Decision. Therefore, there is no evidence that the Council refused to determine the application.
9. There is also no evidence that the Council refused to cooperate with the appellant. Indeed, the appellant concedes that he declined an offer of a meeting following the decision to decline to determine the application. I also have no evidence that any formal pre-application requests were submitted. The Council's case is clearly substantiated in their appeal submissions. Consequently, I do not consider that the Council have acted unreasonably following the High Court Decision. In any event, while costs may be claimed for the period before an appeal is made, those costs must be directly related to the appeal proceedings.

Conclusion

10. For the above reasons, I find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Annex, has not been demonstrated. The application for an award of costs is refused.

H Smith

INSPECTOR