

## **APPEALS**

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

<b>CODE NO.</b>	C/15/3018516 (1755)
<b>ENF. NO.</b>	ENF/281/14/C
<b>APPELLANT</b>	MR ALAN JOHN WALL
<b>SUBJECT OF APPEAL</b>	UNAUTHORISED BUILDING OF DWELLING AND UNAUTHORISED USE FOR THE SITING OF A CARAVAN FOR RESIDENTIAL PURPOSES: LAND OFF THE CROFT BARN HILL LALESTON
<b>PROCEDURE</b>	WRITTEN REPRESENTATIONS
<b>DECISION LEVEL</b>	ENFORCEMENT NOTICES

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<b>CODE NO.</b>	X/15/516086/87/88/89 (1756)
<b>APP. NO.</b>	P/97/85/MIN
<b>APPELLANTS</b>	CORNELLY, GROVE AND GAENS QUARRIES
<b>SUBJECT OF APPEAL</b>	PERIODIC REVIEW OF THE IDO PERMITTED AREA AT CORNELLY, GROVE AND GAENS QUARRIES
<b>PROCEDURE</b>	PUBLIC INQUIRY
<b>DECISION LEVEL</b>	CALLED IN - WELSH MINISTERS

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

<b>CODE NO.</b>	A/15/3005156 (1750)
<b>APP. NO.</b>	P/14/724/FUL
<b>APPELLANT</b>	MR A C PUCELLA
<b>SUBJECT OF APPEAL</b>	FIRST FLOOR EXTENSION OVER EXISTING GARAGE TO CREATE A BEDROOM & FACILITIES FOR DISABLED CHILD: 26 CLOS MANTEG BROADLANDS
<b>PROCEDURE</b>	HOUSEHOLDER PILOT
<b>DECISION LEVEL</b>	DELEGATED OFFICER
<b>DECISION</b>	<b>THE INSPECTOR APPOINTED BY THE WELSH MINISTERS TO DETERMINE THIS APPEAL DIRECTED THAT THE APPEAL BE DISMISSED</b>

A copy of this appeal decision is attached as APPENDIX A

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**CODE NO.** A/15/3006376 (1752)  
**APP. NO.** P/14/828/FUL  
**APPELLANT** MR G LEWIS  
**SUBJECT OF APPEAL** DORMERS TO FRONT: 148 NEW ROAD PORTHCAWL  
**PROCEDURE** HOUSEHOLDER PILOT  
**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 this appeal decision is attached as APPENDIX B

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**RECOMMENDATION:**

That the report of the Corporate Director Communities be noted.

**MARK SHEPHARD  
CORPORATE DIRECTOR COMMUNITIES**

**Background Papers**

See relevant application reference number.



## Penderfyniad ar yr Apêl

Ymweliad â safle a wnaed ar 30/03/15

gan **Richard E. Jenkins BA (Hons) MSc MRTPI**

Arolygydd a benodir gan Weinidogion Cymru

Dyddiad: 28 Ebrill 2015

## Appeal Decision

Site visit made on 30/03/15

by **Richard E. Jenkins BA (Hons) MSc MRTPI**

an Inspector appointed by the Welsh Ministers

Date: 28 April 2015

**Appeal Ref: APP/F6915/A/15/3005156**

**Site address: 26 Clos Man-Teg, Broadlands, Bridgend, CF31 5BY**

**The Welsh Ministers have transferred the authority to decide this appeal to me as the appointed Inspector.**

- 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 AC Pucella against the decision of Bridgend County Borough Council.
- The application Ref P/14/724/FUL, dated 23 October 2014, was refused by notice dated 14 January 2015.
- The development proposed is 'first floor supported extension creating bedroom and facilities for disabled child'.

### Decision

1. The appeal is dismissed.

### Main Issue

2. This is the effect of the proposed development of the living conditions of neighbouring occupiers, with particular reference to outlook and levels of natural light.

### Reasons

3. The appeal relates to a detached property located within a typical residential area of Bridgend. The appeal proposal would erect a two storey extension to the side of the property. The extension would provide additional living space and shower room for use by a disabled child at first floor level, with a void remaining underneath to allow for parking and vehicular access to the garage, which is set back from the main dwelling. The Council has not objected to the effect of the proposal on the character and appearance of the host property or surrounding area. As such, I shall confine my reasoning to the effect on the living conditions of the occupiers of the neighbouring property at No.27 Clos Man-Teg.
4. It was clear at the time of my site visit that the set back of the proposed extension from the front elevation would be sufficient to avoid any unacceptable impacts on the windows located in the side gable elevation of No.27. Nevertheless, by virtue of its substantial depth and projection up to the shared boundary, the extension would be within close proximity to rear habitable room windows and patio area at No.27. Indeed, in combination with the proposed two storey height, such features would result in significant overbearing and enclosing impacts on the rear patio area. Moreover, the development would have a dominating impact on the habitable room

accessed via the rear patio doors. Indeed, such impacts would be somewhat exacerbated by the fact that the patio doors would directly face, and be within close proximity to, what would be a substantial two storey structure. For these reasons, I consider that the proposal would unreasonably dominate the outlook from No.27 and therefore conflict with the advice contained within Note 1 of the Council's adopted Supplementary Planning Guidance 2: 'Householder Development' (SPG).

5. The proposed extension would also be located to the south of No.27. This, coupled with the aforementioned scale of the proposed, would mean that there would be significant overshadowing impacts during certain times of the day. In particular, the rear habitable room served by the patio doors, and indeed the rear patio area itself, would be adversely affected. I appreciate that the habitable room is also served by windows set at a different orientation to that of the patio doors. However, the scale of the patio doors relative to the other windows, coupled with the fact that they are south facing, means that they represent a substantial source of natural light to the property. As such, I conclude that the proposed extension would unreasonably overshadow No.27, to the detriment of the living conditions of its occupiers. As such it would be in conflict with the advice contained within Note 2 of the Council's 'Householder Development' SPG.
6. I disagree with the appellant's contention that the impact of the proposed development would be de minimis. Indeed, I consider that such overbearing and overshadowing impacts would have a significant adverse effect on the living conditions of the occupiers of No.27. In this respect, the development conflicts with Note 3 of the SPG which states that first floor extensions which are built up to the boundary with an adjoining property are not advisable unless it is shown that they have no adverse effect on residential or visual amenity. I acknowledge that the advice contained within SPG represents guidance only and should not be treated as determinative. However, in this case, the advice is consistent with the general thrust of Policy SP2 of the adopted Bridgend Local Development Plan (LDP) (2013), a provision which I have given substantial weight.
7. I recognise that the proposed extension would be used to benefit a disabled child and also acknowledge that the planning system allows for personal circumstances to be material to the determination of such proposals. However, such circumstances must be weighed against any harm identified and, in this case, I consider the adverse consequences of the scheme to amount to compelling reasons why planning permission should not be granted. I therefore conclude that such consequences are not outweighed by the circumstances of the appellant's family.
8. For these reasons, I conclude that the development would cause material harm to the living conditions of the occupiers of No.27, with particular reference to outlook and levels of natural light. As such, the development would be in conflict with Policy SP2 of the adopted Bridgend LDP which, amongst other things, requires development to be of an appropriate scale, size and prominence, whilst also ensuring that the viability and amenity of neighbouring uses and their occupiers would not be adversely affected. Finally, as stated above, the development would be contrary to the advice contained within Council's adopted SPG relating to 'Householder Development'.
9. Based on the foregoing, and having considered all matters raised, I conclude that the appeal should be dismissed.

*Richard E. Jenkins*

INSPECTOR



## Penderfyniad ar yr Apêl

Ymweliad â safle a wnaed ar 22/04/15

gan **A D Poulter B Arch RIBA**

Arolygydd a benodir gan Weinidogion Cymru

Dyddiad: 19 Mai 2015

## Appeal Decision

Site visit made on 22/04/15

by **A D Poulter B Arch RIBA**

an Inspector appointed by the Welsh Ministers

Date: 19<sup>th</sup> May 2015

**Appeal Ref: APP/F6915/A/15/3006376**

**Site address: 148 New Road, Porthcawl, Mid Glamorgan, CF36 5BL.**

**The Welsh Ministers have transferred the authority to decide this appeal to me as the appointed Inspector.**

- 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 Gary Lewis against the decision of Bridgend County Borough Council.
- The application Ref P/14/828/FUL, dated 15 December 2014, was refused by notice dated 10 February 2015.
- The development proposed is a dormer extension.

### Procedural Matter

1. The application was considered and refused on the basis of a revised scheme shown on drawing No PL001 Rev 4. I have considered the appeal on the same basis.

### Decision

2. I dismiss the appeal.

### Main Issue

3. This is the effect of the proposed development on the character and appearance of the appeal property and surrounding area.

### Reasons

4. The appeal relates to an extended bay-fronted semi-detached house in a residential area. There are other semi-detached houses of similar age, size and type on the same side of the street, though they vary in their detail and in the alterations that have been made over time. The house has a dormer at the rear, and the originally hipped roof has been converted to a gable in order to provide additional bedrooms. It is proposed to construct a dormer on the front roof plane to provide better headroom within the second floor front bedroom. The proposed dormer would be roughly centrally placed. Its roof would have a shallow pitch, forming a gable facing the road. The ridge of the dormer would be at the same height as the ridge of the main part of the roof, and it would extend down the roof to just above the ridge of the gable over the front bay window.
5. The proposed dormer would not use the same pitch as the main roof. Nor would be positioned to complement the pattern of the windows on the rest of the house. It

would also dominate the plane of the upper part of the main roof and create awkward angles and junctions where it would almost meet the roof over the front bay window, thus disturbing the clean lines of what is an attractive and traditional roof form. Its design would conflict in these respects with the advice contained in points (a) and (g) of Note 15 (paragraph 6.7.2) of the Council's *Design Guidance for Householder Developments* (SPG02). Consequently, although the design would comply with some other elements of the guidance the proposed dormer would look seriously out of place and would be harmful to the character and appearance of the appeal property and surrounding area. It would therefore conflict with Strategic Policy SP2 of the *Bridgend Local Development Plan 2006-2021* (LP), which requires that all development should contribute to creating high quality, attractive, sustainable places which enhance the community in which they are located.

6. The appellant's desire to improve the headroom and thus provide better accommodation for his young family is understandable, and a smaller dormer to the left side of the roof, where it could complement the pattern of other windows, would not be as useful. However, the harm that I have identified would affect matters of public interest, and thus outweighs the benefits of the proposal to the appellant.
7. According to the appellant's Grounds of Appeal many similar dormer extensions have been recently approved by the Council. However, I have not been referred to any specific examples and I saw none when I visited the area. In any event, as each application is to be considered on its individual merits with regard to the current development plan, even if similar dormers were to have been approved they would not set a precedent that should be followed.
8. I have taken all other relevant matters that have been raised into account, but find nothing that would indicate that the appeal should be determined other than in accordance with the development plan. I conclude that the appeal should be dismissed.

*A D Poulter*

**INSPECTOR**