

APPEALS

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

CODE NO.	A/15/3136250 (1762)
APP. NO.	P/15/279/FUL
APPELLANT	UK POWER RESERVE LTD
SUBJECT OF APPEAL	A SMALL SCALE STANDBY ELECTRICITY GENERATION PLANT IN INDIVIDUAL SOUND PROOF CONTAINERS: LAND NORTH WEST SIDE OF COITY ROAD BRIDGEND
PROCEDURE	HEARING
DECISION LEVEL	DELEGATED OFFICER

The application was refused for the following reason:

1. The site is allocated in the adopted Local Development Plan for regeneration and mixed use schemes comprising predominantly residential development (Policy COM1(4))with some employment (Policy REG1(3))and a Park and Ride Facility to serve Wildmill Train Station (Policy PLA7(21)). The development which comprises of an infrastructure project will be prejudicial to the future development of the site and the wider regeneration of Bridgend, contrary to the aims of the adopted Local Development Plan.

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

CODE NO.	A/15/3128677 (1757)
APP. NO.	P/15/64/FUL
APPELLANT	MR GARETH EVANS
SUBJECT OF APPEAL	PROPOSED CONSTRUCTION OF 2 NO. BEDROOM DORMER BUNGALOW - RESUB OF P/14/687/FUL: LAND ADJ 16A DANYCOED, BLACKMILL
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

A copy of this appeal decision is attached as APPENDIX A

CODE NO.	A/15/3121472 (1758)
APP. NO.	P/15/164/FUL
APPELLANT	MR ALAN MALLET

SUBJECT OF APPEAL	CONVERT 6 NO. STABLES TO 2 NO. SELF-CONTAINED HOLIDAY LET UNITS: AR GRAIG, LALESTON
PROCEDURE	WRITTEN REPRESENTATIONS
DECISION LEVEL	DELEGATED OFFICER
DECISION	THE INSPECTOR APPOINTED BY THE WELSH MINISTERS TO DETERMINE THIS APPEAL DIRECTED THAT THE APPEAL BE ALLOWED SUBJECT TO CONDITIONS

A copy of this appeal decision is attached as APPENDIX B

RECOMMENDATION:

That the report of the Corporate Director Communities be noted.

**MARK SHEPHARD
CORPORATE DIRECTOR COMMUNITIES**

Background Papers

See relevant application reference number.

Appendix A

Penderfyniad ar yr Apêl

Ymweliad â safle a wnaed ar 05/10/15

gan P J Davies BSc (Hons) MA MRTPI

Arolygydd a benodir gan Weinidogion Cymru

Dyddiad: 22/10/15

Appeal Decision

Site visit made on 05/10/15

by P J Davies BSc (Hons) MA MRTPI

an Inspector appointed by the Welsh Ministers

Date: 22/10/15

Appeal Ref: APP/F6915/A/15/3128677

Site address: Land adjacent 16A Dan Y Coed, Blackmill, Bridgend CF35 6EA

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 Gareth Evans against the decision of Bridgend County Borough Council.
- The application Ref P/15/64/FUL, dated 28 January 2015, was refused by notice dated 20 March 2015.
- The development proposed is the construction of a detached dormer bungalow in garden areas of 16A and 17 Dan Y Coed.

Decision

1. The appeal is dismissed.

Main Issues

2. These are the effect of the proposal on the character and appearance of the area, and the living conditions of the occupiers of 16A Dan Y Coed with reference to the provision of amenity space.

Reasons

Character and Appearance

3. Dan Y Coed is largely characterised by bungalows and dormer style bungalows of varying form situated mainly in detached plots and set back from the road. Notwithstanding the individual building styles, there is an element of uniformity derived from the low height and wide frontages which give a horizontal and spacious impression to the street scene.
4. The proposed dwelling however, would be situated up tight to the back edge of the road. The site frontage is comparable to some others in the street but because it would in part extend behind the adjacent dwelling, No 17, this would not be easily apparent in public vantage views. As a consequence the proposed development would appear squeezed into a narrow gap close to the road. Further, because the proposed development would be narrower than the majority of dwellings nearby it would have a more balanced upright shape that would be unlike the flatter characteristics of the

housing scene. Taking the above into consideration, I find that the siting and design of the proposal would be demonstrably at odds with the housing character and would fundamentally detract from the qualities of the area's context that I have described. I note that the appellant is prepared to introduce a more imaginative design by softening the garage doors but there are no specific details before me for consideration.

5. In reaching my decision, I have had regard to the current condition of the garage which I concur is in need of some improvement. However, this is a matter of maintenance rather than any permanent visual harm, and despite its condition, the garage remains a modest low height structure in keeping with the street scene.
6. I conclude that the proposed development would be harmful to the character and appearance of the area contrary to one of the objectives of Policy SP2 of the Bridgend Local Development Plan (LDP) to ensure the highest quality design possible whilst respecting and enhancing local character and distinctiveness.

Living Conditions

7. The proposal invariably reduces the external garden space for the host dwelling, No 16A. Nonetheless, a relatively long, albeit narrow space would remain to the rear, and there is also an area of private space to the southern side. From what I saw this space is sufficient for sitting out and for basic facilities such as clothes drying. In my view, it is not a cramped area and the living conditions of the occupants would not therefore be materially harmed by the development. Accordingly, in this regard, the proposal would comply with LDP Policy SP2. However, whilst I have found the proposal to be acceptable in this respect, this would not outweigh the harm to the character and appearance of the area which I find to be a compelling reason for dismissing the appeal.
8. I have had regard to all other matters raised including the need for the development and that it would represent a sustainable use of previously developed land, but these factors would not be sufficient to override the identified harm and the conflict with the development plan.
9. For the above reasons, I conclude that the appeal should be dismissed.

P J Davies

INSPECTOR

Appendix B

Penderfyniad ar yr Apêl

Ymweliad â safle a wnaed ar 05/10/15

gan **P J Davies BSc (Hons) MA MRTPI**

Arolygydd a benodir gan Weinidogion Cymru

Dyddiad: 21/10/2015

Appeal Decision

Site visit made on 05/10/15

by **P J Davies BSc (Hons) MA MRTPI**

an Inspector appointed by the Welsh Ministers

Date: 21/10/2015

Appeal Ref: APP/F6915/A/15/3121472

Site address: Ar Graig, Laleston, Bridgend CF32 0LY

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 Alan Mallet against the decision of Bridgend County Borough Council.
- The application Ref P/15/164/FUL, dated 19 February 2015, was refused by notice dated 22 May 2015.
- The development proposed is convert 6 No. stables to 2 No. self contained holiday let units.

Decision

1. The appeal is allowed and planning permission is granted for the conversion of 6 No. stables to 2 No. self contained holiday let units at Ar Graig, Laleston, Bridgend CF32 0LY in accordance with the terms of the application, Ref P/15/164/FUL, dated 19 February 2015, subject to the conditions set out in the schedule below.

Main Issue

2. This is the effect of the proposal on highway safety.

Reasons

3. The development would be accessed via an existing splayed entrance from the A48, where the visibility splay to the east is approximately 2.4m x 65m. Speeds surveys carried out by the Council indicate that having regard to Technical Advice Note (TAN) 18 Transport, a visibility splay of 2.4m x 112m would be appropriate. Nonetheless, such standards should be applied to the particular circumstances of each case and the question is whether the shortfall in the recommended stopping sight distance would result in any actual harm to highway safety in this instance.
4. Given that the A48 is a dual carriageway at this point, vehicles are only able to enter and leave the site from the west bound carriageway. Driver observation and intervisibility is therefore limited to one direction of traffic which in turn would benefit driver focus and concentration. Traffic flows are high as evidenced by the Council's surveys, but this is an existing access with no evidence of any accidents or highway safety issue with its use. In particular, the likelihood of vehicle shunts from misinterpretation of indicator lights, and danger from lane change manoeuvres is not borne out in evidence. Any use of the stables would involve traffic using the access

and the former equine use of the site would have been likely to include cars towing trailers and/or large vehicles. Relative to six stables, two small holiday lets would be unlikely to materially increase existing vehicular movements to and from the site. I acknowledge the Council's argument that the stables could be rebuilt without planning permission, but a condition removing permitted development rights for curtilage buildings would overcome the risk to highway safety from any unacceptable intensification of vehicular use of the access. Whilst I accept that the paddock itself could continue in equine use, its limited size and lack of stabling/feed storage would not in my view encourage such a use to any intensive degree. My attention is drawn to Annex E.4 TAN 18 relating to trunk roads, but the Council also confirm that this part of the A48 is not a trunk road.

5. On balance therefore, and notwithstanding that the visibility falls below the recommended standards, it has not been demonstrated that the proposal would materially increase the existing vehicular use of the access to the extent that there would be harm to highway safety interests. The development would therefore comply with the objectives of Policy SP2 of the Bridgend Local Development Plan.

Conditions

6. As set out in my reasoning, a condition restricting permitted development rights for ancillary buildings is necessary to avoid over intensification of the access and any unacceptable risk to highway safety. A condition relating to the implementation of a parking layout is necessary to ensure highway safety. In the light of my conclusions on highway safety, it is not reasonable or necessary to require traffic signs on the dual carriageway. A condition restricting the use of the site to holiday accommodation is necessary in the interests of countryside protection, and drainage conditions are necessary to ensure the satisfactory development of the site. I have made minor amendments to the wording of some of the suggested conditions so that they are more concise, without changing their overall aim.

Conclusions

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

P J Davies

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than five years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: site plan (external works) 1:500; site location plan 1:2500; existing plans 1:100; proposed plans 1:100.
- 3) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking, re-enacting or modifying that Order), no garages, stables or other external buildings shall be erected on the application site as identified by the site location plan scale 1:2500.

- 4) No development shall commence until a scheme for the provision of 8 off street parking spaces has been submitted to and agreed in writing by the local planning authority. The parking scheme shall be completed in accordance with the agreed details prior to the occupation of the development and shall thereafter be retained for parking purposes.
- 5) The premises shall be used for holiday accommodation and for no other purpose (including any other purpose in Class C3 of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification). The holiday lets shall be occupied for holiday accommodation only and shall not be occupied as a person's or persons' sole or main place of residence and shall not be occupied by any person or persons for a period for more than 28 days in any 12 month period.
- 6) No development shall commence until a scheme for the comprehensive drainage of the site, including foul and surface water drainage, has been submitted to and agreed in writing by the local planning authority. The development shall be carried out in accordance with the approved details prior to the occupation of the development.
- 7) No building hereby permitted shall be occupied until surface water drainage works have been implemented in accordance with details that have been submitted to and approved in writing by the local planning authority. Before these details are submitted an assessment shall be carried out of the potential for disposing of surface water by means of a sustainable drainage system in accordance with the principles set out TAN 15 (or any subsequent version), and the results of the assessment provided to the local planning authority. Where a sustainable drainage scheme is to be provided, the submitted details shall:
 - i) provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters;
 - ii) include a timetable for its implementation;
 - iii) provide a management and maintenance plan for the lifetime of the development;
 - iv) and provide a ground investigation report sufficient to support the design parameters and suitability of the proposed system.