

APPEALS

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

CODE NO.	A/16/3143086 (1773)
APP. NO.	P/15/634/FUL
APPELLANT	MR ANTHONY SMITH
SUBJECT OF APPEAL	NEW DWELLING: LAND BETWEEN 16 & 17 HIGH STREET OGMORE VALE
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

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



The Planning Inspectorate
Yr Arolygiaeth Gynllunio

Penderfyniad ar yr Apêl

Ymweliad â safle a wnaed ar 26/05/16

gan Janine Townsley LLB (Hons)

Arolygydd a benodir gan Weinidogion Cymru

Dyddiad: 08/06/16

Appeal Decision

Site visit made on 26/05/16

by Janine Townsley LLB (Hons)

an Inspector appointed by the Welsh Ministers

Date: 08/06/16

Appeal Ref: APP/F6915/A/16/3143086

Site address: Land Between 16 & 17 High Street, Ogmore Vale, Bridgend. CF32 7AD

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 Anthony Smith against the decision of Bridgend County Borough Council.
 - The application Ref P/15/634/FUL, dated 28 September 2015, was refused by notice dated 2 December 2015.
 - The development proposed is a new dwelling.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The site address provided on the application form is "land between 16 and 17 High Street". The principal elevation of the proposed dwelling would face Corbett Street which runs parallel with and to the rear of High Street. There would be no access to the proposed dwelling from High Street.

Main Issues

3. These are whether the proposed development would provide acceptable living conditions for future occupiers, with regard to the provision of private amenity space and the effect of the proposed dwelling on the living conditions of occupiers of neighbouring properties with particular reference to outlook and privacy.

Reasons

4. The appeal site comprises land to the rear of a former ecclesiastical building which fronted onto High Street. The proposed dwelling would be sited "back to back" with the existing structure on site and would front onto Corbett Street. Nos 16 and 17 High Street are sited either side of the appeal site, and would also be "back to back" with the appeal proposal. There is no objection in principle by the Council to new residential development at this location.
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5. The Council's concern is that due to the restricted size of the appeal site, the proposal would afford an unacceptably poor standard of residential amenity to future occupants in terms of space, outlook and privacy. The area of the site allocated for garden space exceeds the footprint of the dwelling and whilst the garden space proposed is modestly sized, there is nothing before me to suggest that this area would not be adequate for the purposes ordinarily associated with outdoor amenity space such as sitting outside, drying washing and refuse storage. The topography of the site means the rear space would be uneven, however, this, itself does not mean the garden space would be inadequate.
6. Notwithstanding the adequacy of the size of outdoor amenity space, there are factors which affect the quality of the space available. The properties along High Street are built on substantially higher ground than the appeal site. In a response to this change in levels, the buildings on High Street either side of the appeal site are three storey at the rear. Forming the rear boundary of the site is a retaining wall and a partially completed building fronting High Street. This boundary feature represents an imposing, generally blank wall which would dominate the proposed garden and this, coupled with the three storey elevations of the properties to either side would result in an unacceptably oppressive outlook given the modest size of the garden.
7. Furthermore, there is an existing rear extension to No. 16 High Street which would mean that the proposed garden space would be surrounded on three sides by high walls. These factors together would compromise the quality of the amenity space proposed in terms of the outlook from the garden and would result in future occupants feeling "hemmed in". I acknowledge that the Council has no adopted policy which sets out minimum outdoor amenity standards; however, Supplementary Planning Guidance 02 *Householder Development* which relates to house extensions does provide guidance in relation to garden space. This provides that developments should allow for a reasonable private outdoor area for the enjoyment of present and future households.¹ The proposal fails to accord with this guidance as a result of the poor quality of the space available and for this reason does not represent a high quality design, contrary to criterion 2 of policy SP2 of the Bridgend Local Development Plan 2006-2021 (LDP).
8. Turning to the relationship between the proposed and existing dwellings, No. 17 High Street is in residential use and, from the evidence I note that planning permission² has been granted for the conversion of the first floor of No. 16 to a new residential unit (a flat).
9. Given the restricted depth of the appeal site, the rear elevation of the proposed dwelling would be within 10 metres of the rear site boundary and the rear elevation of the dwellings either side on High Street. No. 17 has windows to the rear at ground, first and second floor levels. The Council asserts that some or all of these windows serve habitable rooms and this is not disputed by the appellant. However, since No. 17 is adjacent to the appeal site, there is no issue of direct overlooking and for this reason the privacy of occupiers from within of No. 17 and the proposed dwelling would not be substantially affected by the proposal. For this reason, the suggested

¹ Paragraph 5.1.1

² P/15/633/FUL

amendment to the internal layout of the first floor of the proposed dwelling to minimise overlooking would not be necessary.

10. In terms of overlooking of the proposed rear garden area, the proximity of the windows on the rear elevation of No. 16 together with the height of those windows relative to the proposed garden, would compromise the privacy of potential users of the amenity space. Thus, the quality of the proposed garden area would be further diminished by this factor, reinforcing my conclusions that the quality of the proposed rear amenity space would be unacceptable. Further, notwithstanding the suggestion put forward to re-arrange the internal first floor room layout, the proximity of the rear first floor windows to the rear garden space of No. 17 would result in a degree of overlooking, which would have an adverse effect on users of the garden area. Thus the proposal would fail to accord with criterion 12 of policy SP2 of the LDP.
11. In relation to No. 16 High Street, I observed that the existing extension has two windows at first floor level. These would overlook the garden space proposed. I acknowledge the appellants position that this is a matter which could be adequately controlled by means of condition since planning permission has been granted which, if implemented would result in the two windows being replaced by a single window serving a bathroom, however, given that I have found the scheme unacceptable for the stated reasons, it has not been necessary for me to consider this option further.

Conclusion

12. For the reasons outlined above I conclude that the appeal should be dismissed.

Janine Townsley

INSPECTOR