

APPEALS

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

CODE NO.	A/16/3154174 (1775)
APP. NO.	P/15/631/OUT
APPELLANT	MRS A YOUNG
SUBJECT OF APPEAL	ONE DWELLING: NEXT TO 14 BLUNDELL AVENUE, PORTHCAWL
PROCEDURE	WRITTEN REPRESENTATIONS
DECISION LEVEL	DELEGATED OFFICER

The application was refused for the following reason:

The proposed development, by reason of its location, siting and scale parameters, would result in a cramped form of development that would have a detrimental impact on the privacy and amenities of neighbouring properties and the visual amenities of the wider street scene, contrary to Policy SP2 of the adopted Bridgend Local Development Plan (2013), the principles of Notes 2, 6 and 8 of Supplementary Planning Guidance 2: Householder Development (2008) and advice contained within Technical Advice Note 12: Design (2016) and Planning Policy Wales (2016).

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

CODE NO.	A/15/3135226 (1763)
APP. NO.	P/15/475/FUL
APPELLANT	MR J REED
SUBJECT OF APPEAL	NEW ACCESS FOR NEW DWELLING AND THE LAURELS: THE LAURELS, HEOL PEN Y FAI, PEN Y FAI
PROCEDURE	HEARING
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 A

The Appellant made an application for costs at the Hearing and the Costs Decision is attached as APPENDIX B

CODE NO. A/15/3141571 (1772)
APP. NO. P/15/475/FUL
APPELLANT MR K HAINES
SUBJECT OF APPEAL ONE DWELLING: GARAGE SITE, LAND TO THE NORTH EAST OF PEMBROKE TERRACE, NANTYMOEL
PROCEDURE HEARING
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 C

CODE NO. A/16/3145806 (1774)
APP. NO. P/15/493/FUL
APPELLANT MRS BETHAN DALTON-MARSHALL
SUBJECT OF APPEAL PROPOSED EXTENSIONS AND ALTERATIONS – AMENDED SCHEME: FFORCHLAS COTTAGE, CHURCH STREET, PONTYCYMMER
PROCEDURE HEARING
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 D

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

Gwrandawriad a gynhaliwyd ar 06/07/16
Ymweliad â safle a wnaed ar 06/07/16

**gan Mr A Thickett BA (Hons) BTP
MRTPI Dip RSA**

Arolygydd a benodir gan Weinidogion Cymru
Dyddiad: 13.07.16

Appeal Decision

Hearing held on 06/07/16
Site visit made on 06/07/16

**by Mr A Thickett BA (Hons) BTP MRTPI
Dip RSA**

an Inspector appointed by the Welsh Ministers
Date: 13.07.16

Appeal Ref: APP/F6915/A/15/3135226

Site address: The Laurels, Heol Pen y Fai, Pen y Fai, Bridgend, CF31 4LS

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 grant of planning permission subject to conditions.
 - The appeal is made by Mr Julian Reed against the decision of Bridgend County Borough Council.
 - The application Ref P/15/475/FUL, dated 22 July 2015 was approved on 24 September 2015 and planning permission was granted subject to conditions.
 - The development permitted is a new access for the new dwelling and The Laurels.
 - The conditions in dispute are Nos. 2, 3, 4, 5, 6 & 7.
 - The conditions and reasons are set out in the Schedule at the end of this decision.
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Decision

1. The appeal is allowed and the planning permission Ref P/15/475/FUL for a new access for the new dwelling and The Laurels at The Laurels, Heol Pen y Fai, Pen y Fai, Bridgend, CF31 4LS granted on 24 September 2015 by Bridgend County Borough Council, is varied by deleting conditions 2, 3, 4, 5 and 6.

Application for costs

2. At the Hearing an application for costs was made by Mr Julian Reed against Bridgend County Borough Council. This application is the subject of a separate Decision.

Main Issue

3. The main issues are
 - the impact of the removal of condition 2 on the character and appearance of the area; and
 - the effect of the removal of conditions 3, 4, 5, 6 and 7 on highway safety.

Reasons

4. On 27 April 2016 the Council wrote to the appellant noting that all the conditions had been complied with and that the boundary treatment for which approval was required under condition 2 was acceptable. As condition 2 requires the submission of details to be approved before erecting any boundary treatment the Council invited the appellant
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to do so in order that the condition could be discharged. The appellant did not do this but the Council stated at the Hearing that it had no objection to the condition being removed through this appeal. Not all the wall fronting Heol Eglwys has been removed as required by condition 3. However, the Council is satisfied that the small part that remains will not hinder the visibility of drivers leaving the site and agrees that the condition may be removed. Consequently, conditions 2, 3, 4, 5 and 6 no longer serve any purpose and may be removed without harm to the character and appearance of the area or highway safety.

5. Despite arguing to the contrary in his appeal statement, the appellant accepted at the Hearing that condition 7, which places an ongoing obligation to maintain the visibility splay free from obstruction, is necessary and should be retained. I agree that this condition is necessary in the interests of highway safety.
6. Turning to whether the conditions should have been imposed in the first place, I agree that given the lack of or seemingly conflicting details on the submitted block and location plans, the Council was justified in seeking further information and placing controls on the subsequent works. Stone walls front most of the properties along the street. In the absence of any details on the submitted plans and in order to ensure that the boundary treatment (condition 2) was in keeping with its surroundings, it was reasonable and necessary to require the submission of further details.
7. Whilst it would not have been possible to implement the development permitted under planning permission P/15/475/FUL without removing parts of the wall fronting Heol Eglwys (condition 3), I agree with the Council that plans submitted to support the application are unclear. The location plan is annotated 'existing wall will remain' and it is not clear to what this refers. Further, as stated above not all the wall has been removed and the layout as built is not as shown on the block or location plans. Similarly it is not clear whether the line depicting the boundary between The Laurels and The Willows extends beyond the entrance gates and how that boundary was to be marked (condition 4). A wall or fence in this position could have obstructed the visibility of drivers leaving the site. I consider that conditions 3, 4 and 6 were necessary to ensure that drivers exiting the site have adequate visibility of approaching vehicles and pedestrians and were necessary in the interests of highway safety.
8. The only details relating to the construction of the drives to serve The Willows is an annotation on the block plan; 'drive permeable'. Loose gravel on the footpath or carriageway would be likely to be a hazard to pedestrians and drivers alike. Consequently, I consider that although poorly drafted, the works required by condition 5 were necessary to ensure that the drive was not constructed of loose material that could spill out on to the footpath or carriageway.

Other matters

9. The appellant argues that the Council have not acted consistently with regard to other permissions granted in the area but conditions should be tailored to the development that is permitted and the site specific circumstances of each case. Unlike a new house, the replacement garage at The Vicarage is unlikely to generate additional vehicle movements. Access for the two new dwellings permitted to the north of the site on Heol Eglwys is off a side road. Both developments are, therefore, significantly different from the appeal proposal.

Conclusion

10. Given that the works required by conditions 2, 3, 4, 5 and 6 have been carried out satisfactorily there is no need to retain them and I will allow this appeal. However, for the reasons given above, I consider that condition 7 should remain and that conditions 2, 3, 4, 5 and 6 were necessary and, having regard to the advice in Circular 14/16, were properly imposed.

Anthony Thickett

Inspector

Schedule

2. No development shall take place until there has been submitted to and agreed in writing by the Local Planning Authority a plan indicating the positions, design, materials and type of boundary treatment to be erected and a timetable for its implementation. Development shall be carried out in accordance with the agreed plan and timetable.
Reason: To ensure that the general amenities of the area are protected.
3. The existing boundary wall fronting The Laurels and the new property consented under P/12/656/FUL shall be removed along the frontage of the site with Heol Eglwys and the area fronting the access gates laid out in permanent materials in accordance with the agreed layout prior to the development being brought into beneficial use.
Reason: In the interests of highway safety.
4. Notwithstanding Condition No. 1 and the approved plan the proposed wall along the common boundary of The Laurels and the new property consented under P/12/656/FUL shall not protrude forward (in a northerly direction) beyond the position of the proposed gates.
Reason: In the interests of highway safety.
5. The proposed access drive serving the new property consented under application P/12/656/FUL shall be completed in permanent materials for a distance of no less than 10m from the edge of carriageway in accordance with the details prior to the development being brought into beneficial use.
Reason: In the interests of highway safety.
6. The proposed means of access shall be laid out with vision splays of 2.4m x 43m in both directions before the development is brought into beneficial use and retained as such thereafter in perpetuity.
Reason: In the interests of highway safety.
7. No structure, erection or planting exceeding 0.9 metres in height above adjacent carriageway level shall be placed within the required vision splay areas at any time.
Reason: In the interests of highway safety.
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APPEARANCES

FOR THE APPELLANT:

Mr J Reed

Ms N Jones

FOR THE LOCAL PLANNING AUTHORITY:

Mr E Jones Bridgend County Borough Council

Mr R Davies Bridgend County Borough Council

Mr R Morgan Bridgend County Borough Council

Documents submitted to the Hearing

Doc 1: Appellant's letter to Mr Nylor dated 22 October 2015

Doc 2: Appellant's letter to Mr Mephram (Chief Executive, Bridgend County Borough Council) dated 20 December 2015

Doc 3: Council's letter to the appellant dated 24 December 2015

APPENDIX B



Penderfyniad ar y gostau

Gwrandawriad a gynhaliwyd ar 06/07/16
Ymweliad â safle a wnaed ar 06/07/16

**gan Mr A Thickett BA (Hons)
BTP MRTPI Dip RSA**

Arolygydd a benodir gan Weinidogion Cymru
Dyddiad: 13.07.16

Costs Decision

Hearing held on 06/07/16
Site visit made on 06/07/16

**by Mr A Thickett BA (Hons) BTP MRTPI
Dip RSA**

an Inspector appointed by the Welsh Ministers
Date: 13.07.16

Costs application in relation to Appeal Ref: APP/F6915/A/15/3135226
Site address: The Laurels, Heol Pen y Fai, Pen y Fai, Bridgend, CF31 4LS

The Welsh Ministers have transferred the authority to decide this application for costs to me as the appointed Inspector.

- The application is made under the Town and Country Planning Act 1990, sections 78, 322 and Schedule 6, and the Local Government Act 1972, section 250(5).
 - The application is made by Mr Julian Reed for a full award of costs against Bridgend County Borough Council.
 - The hearing was in connection with an appeal against the grant of planning permission for a new access for the new dwelling and The Laurels subject to conditions (Ref P/15/475/FUL).
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Decision

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

The submissions for Mr Julian Reed

2. The Council deliberately failed to deal with the planning application within the prescribed period, it did not write to agree an extension of time and did not grant planning permission until after the appeal was submitted. The conditions attached to the planning permission were unnecessary. The Council have conceded that there have been no accidents at the site. Further, the Council failed to treat residents in an even handed manner. It is unfair that planning permission was granted for development at The Vicarage without such conditions when it is closer to the bend. Highway safety must be treated fairly and consistently.
 3. This Hearing and the adjourned event in April could have been avoided. A letter was sent to the Council on 22 October 2015 setting out the proposals for the construction of the access, all of which have been accepted at the Hearing. The letter was sent in an attempt to co-operate with the Council and the delay caused by the details not being agreed is unreasonable. No reply was received to that letter and a letter was then sent to the Chief Executive on 20 December resulting in a reply (dated 24 December) stating that the Council had not received the letter of 22 October. A further letter was sent on 3 January 2016.
 4. The Council says that it did not receive the letter of 22 October but it was hand delivered so where did it go? The letter was sent again and if the Council needed
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details to be clarified it should have asked but it did not. Had it done so the Hearings could have been avoided.

5. Fielding an officer who knew the Inspector appointed to conduct the Hearing on 16 March 2016 was a deliberate attempt by the Council to influence that Inspector. In light of the previous bad faith shown by the Council it was reasonable to object to that Hearing proceeding. Even after that Hearing the Council could have agreed the details and avoided the second Hearing.
6. The Council's failure to respond is unreasonable and the resulting delay has offended the appellant's human rights with regard to the enjoyment of his home and family life. Their actions have led to the unnecessary holding of two Hearings. The appellant has not acted unreasonably but sought to co-operate.

The response by Bridgend County Borough Council

7. The application was submitted on 22 July 2015 and determined on 24 September. The Council acknowledges that this was 8 days after 8 week target but it issued the decision as soon as possible after receipt of comments from the Highway Authority (received 23 September). The appeal was lodged on the same day planning permission was granted.
8. The Council has explained in its statement of case why it considers that the conditions were necessary and why the development at the appeal site differs from that permitted at The Vicarage. The Council has no records of accidents in the proximity of the site but considers that the conditions were justified in the interests of highway safety.
9. The letter of 22 October was addressed to a Mr Nylor. There is no Mr Nylor employed at the Council and the local planning authority did not receive a copy of that letter. The letter of 20 December did not include any of the details/plans required to address the conditions. In the Council's response of 24 December it indicated that it had not received the letter of 22 October and that it was happy to discuss the details required by the conditions and referred to the appeal which the appellant had the opportunity to withdraw. No details were submitted, the appeal was not withdrawn and the Council had no option but to proceed with the appeal.
10. A letter was sent on 25 February 2016 advising the appellant to submit an application to discharge of condition 2 and of the required fee. A second letter was sent on 27 April (after the first Hearing) advising that the conditions had been complied with and included a reminder regarding the method by which condition 2 could formally be discharged.
11. The Council offered to replace the officer known to the Inspector (Mr Davies) at the Hearing on 16 March and indicated that the conditions had been complied with which gave the appellant the opportunity to withdraw. The Council has acted reasonably in all respects and there is no justification for an award of costs. The only unreasonable behaviour has been displayed by the appellant.

Reasons

12. Circular 23/93 advises that, irrespective of the outcome of the appeal, costs may only be awarded against a party who has behaved unreasonably and thereby caused the party applying for costs to incur unnecessary or wasted expense in the appeal process.

13. Although I have allowed the appeal and removed all but one of the disputed conditions, I set out in the accompanying appeal decision why I consider that they were necessary and correctly imposed. With regard to any substantive grounds the application, therefore, fails.
14. Turning to procedural matters, the appeal started life as one made against failure to determine but was changed following the issue of the planning permission by the Council. Local Planning Authorities should meet the targets set by Welsh Government for the determination of planning applications and, not being able to do so in this case, the Council should have written to the appellant seeking an extension. It didn't but I do not see how this led the appellant to incur unnecessary expense in this appeal. Further, I consider that it was reasonable to wait for the views of the Highway Authority before determining the application.
15. Although there is no Mr Nylor employed at the Council the appellant's letter of 22 October 2015 included the planning application reference number and it is not unreasonable to expect it to be delivered to the right department. Nonetheless, I have no reason to doubt the Council's submission that the Development Control section did not become aware of the letter until 23 December as a result of the appellant's letter of 20 December to the Chief Executive. A letter was sent to the appellant dated 24 December indicating the Council's willingness to discuss the details required under condition 2 and the other requirements set out in the conditions.
16. Condition 2 requires the submission of a plan indicating the positions, design, materials, type of boundary treatment to be erected and a timetable for implementation. The letter of 22 October did not include a plan and, although it sets out the type of boundary treatment, provides no information regarding its exact position. Nor did the letter set out the exact height of the walls or a timetable. The Council could and should have sought clarification and the submission of a plan but on 27 April 2016 it did write to the appellant informing him that the works he had carried out were satisfactory and inviting the retrospective submission of details to discharge condition 2. Had the appellant done this the Hearing on 6 July could have been avoided. As pointed out by the Council, the appellant was the only party who could withdraw the appeal.
17. There is no evidence to support the allegation that the Mr Davies' attendance in March was an attempt to influence the Inspector. Further, Mr Davies offered to withdraw which indicates to me that his intentions and actions were proper and professional.
18. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in Circular 23/93, has not been demonstrated.

Anthony Thickett

Inspector

APPENDIX C

Penderfyniad ar yr Apêl

Gwrandawriad a gynhaliwyd ar 10/05/16

Ymweliad â safle a wnaed ar 10/05/16

**gan Melissa Hall BA (Hons), BTP, MSc,
MRTPI**

Arolygydd a benodir gan Weinidogion Cymru

Dyddiad: 07.07.16

Appeal Decision

Hearing held on 10/05/16

Site visit made on 10/05/16

**by Melissa Hall BA (Hons), BTP, MSc,
MRTPI**

an Inspector appointed by the Welsh Ministers

Date: 07.07.16

Appeal Ref: APP/F6915/A/15/3141571

**Site address: Garage site, land to the north east of Pembroke Terrace,
Nantymoel, Bridgend.**

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 outline planning permission.
- The appeal is made by Mr Kevin Haines against the decision of Bridgend County Borough Council.
- The application Ref P/15/611/OUT, dated 17 September 2015, was refused by notice dated 2 December 2015.
- The development proposed is the construction of one dwelling.

Decision

1. The appeal is dismissed.

Procedural Matters

2. The application was made in outline with all matters reserved for subsequent consideration. I have therefore dealt with the appeal on that basis, treating the site layout plan as indicative.

Main Issue

3. This is the effect of the proposed development on the character and appearance of the surrounding area, with particular regard to policies designed to control the location of new housing development.

Reasons

4. The appeal site comprises a parcel of land which lies to the rear of two rows of traditional terraced houses. There are several detached garages on the land and it is covered, in part, by a tarmac access, concrete hardstanding and hardcore. It is accessed via a steeply sloping adopted lane that runs between Pembroke Terrace and Osborne Terrace.
 5. Its topography is such that it is elevated significantly above the rows of terraced properties, with the hillside to the north and north-east perimeter of the site enclosing
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a central plateau. The outer lying parts of the site and the steep hillside have a rural verdant quality, which are visible from close and distant views in the surrounding area.

6. The Council confirms that, with the exception of the southern tip of the site, the site lies outside the settlement boundaries as defined in Policy PLA1 of the adopted Bridgend Local Development Plan (LDP). For planning purposes, therefore, and in the context of Policy ENV1, it is for the most part in the open countryside where new residential development is subject to strict control. It is no part of the appellant's case that the proposal is exceptionally justified on the basis of any of the criteria listed in Policy ENV1.
7. However, the appellant states that material considerations outweigh in this case, namely that the proposal represents development of a brownfield site with an ancillary residential use, which is immediately adjacent to and partly within a sustainable settlement with existing access.
8. I accept that the site falls within the definition of 'previously developed land' for the purposes of Planning Policy Wales¹ (PPW). However, PPW also recognises that not all previously developed land is suitable for development.
9. Although the site lies adjacent to the residential curtilages of Pembroke Terrace and Osborne Terrace, I am of the view that it is visually separated from these neighbouring properties given the clear physical boundaries delineating the rear gardens from the land beyond and a considerable change in ground levels between them. Furthermore, the size of the site, its rather irregular form and its less developed nature contrasts greatly with the more formal and regular layout and higher density of the terraces, such that it does not identify closely with this built form.
10. Rather, due to the topography and landform, and its largely verdant appearance, the appeal site relates more closely to the natural landscape qualities of the open countryside surrounding the settlement. Whilst I acknowledge that there are several garages on the site, their modest scale and appearance does not compromise the positive contribution that the site makes overall to the semi-rural character and appearance of its surroundings.
11. In these circumstances, the construction of a dwelling at this location would result in the extension of the residential built form beyond the well established building line set by the terraces into an area largely unspoiled by development. In particular, it would introduce a dwelling and its associated domestic paraphernalia on an elevated site with a semi-rural character, resulting in the erosion of an important landscape feature which acts as a backdrop to the settlement. It would therefore harmfully erode the character of its setting when seen from close and distant views.
12. The indicative site layout plan shows a dwelling with a scale, siting and orientation which differs from that of its closest neighbours. In this context, I also consider that a dwelling such as that proposed would draw attention to its presence and would do little to harmonise with the immediate surrounding built form. This matter further convinces me of the unacceptability of the proposal.

¹ Paragraph 4.9 and Figure 4.4

13. In this context, the proposal would not meet the objectives of Policy ENV1 to prevent inappropriate development in the open countryside or Policy PLA1 to direct new residential development to land within settlement boundaries.
14. I also note that the site lies within the Northern Uplands Special Landscape Area as defined by LDP Policy ENV3, where new development will be expected to retain its character and distinctiveness and where its design would reflect the surrounding built form and assimilates itself into the wider landscape. Based on the Council's oral evidence at the Hearing, I concur that its prominence, views and topography are the characteristics that make this particular landscape special. Seen against the rising, verdant landscape, the siting of a dwelling divorced from the existing residential development would have a harmful effect on the special landscape character of the area. It would thus be contrary to Policy ENV3.
15. I do not dispute that PPW allows for infilling or minor extensions to existing settlements or group of dwellings². However, it also requires that new housing development should not damage an area's character and amenity³. Whilst the site may be in a location close to the existing built form with access to services and facilities, the harm to the character and appearance of the area that I have described would result in the development not meeting the sustainability aims of PPW.
16. I acknowledge that the proposed dwelling would result in the replacement of the existing garages and that the site is currently being used for the parking of vehicles. I also understand that the site previously formed part of a larger garage compound; I am told by the appellant that there were previously 10 garages on the site, including planning permissions dating from 1980, 1985 and 1989 which relate to the erection of garage structures, albeit the majority of the garages have been demolished. It is evident from the aerial photographs and the submissions made by all parties that a large dove cote previously stood in the north-western corner of the site, albeit this has since been demolished too. In my view, the new dwelling would be materially larger than the limited number of garages it replaces and when compared with the existing low profile structures and car parking, would be much more significant. The proposal would thus contrast greatly with the less formal arrangement that currently exist. It would therefore have a greater impact on the character and appearance of its surroundings.
17. It is also evident that work has been undertaken on the site to re-profile the land and create additional areas of hardstanding, which differs from that shown in the aerial photographs submitted by the Council. Be that as it may, this does not erode the semi-rural and largely undeveloped character of the site that I have described.
18. Consequently, I do not find that the material planning considerations in this case outweigh the overall conflict with the development plan.

Other Matters

19. My attention has been drawn to Sunset Drive which is a development of large detached dwellings on elevated land at the edge of Nantymoel. At my site visit, I observed that it lies in close proximity to the appeal site. Although I am not aware of the full facts of this case, the Council tells me that planning permission was originally

² Paragraph 4.7.8

³ Paragraph 9.3.3

granted in 1999 as a site within the settlement boundary and allocated for residential development under the now superseded Unitary Development Plan, which then continued as a housing allocation in the LDP. Hence I find that the circumstances of the case cited differ from that which is before me. Be that as it may, each proposal must be determined on its own merits.

20. I note the dispute between the parties in respect of the fallback position relating to the use of the land for the parking of vehicles; the Council considers that new engineering operations would be required to enable additional cars to park on the land but the appellant states that its use as a garage compound and for the parking of vehicles is existing and that it is lawful. Whether or not planning permission would be required for the intensification of use or operational development is not a matter for me to determine in the context of this appeal made under S78 of the Act. It is open to the appellant to apply for a determination under section 191/192 of the Act to determine this matter. In any event, I find the effect of the proposed dwelling on the character and appearance of the area to be materially different from the use of the site for the parking of vehicles. Consequently, this is not a fallback position that would alter my conclusions in respect of the proposal before me.

Conclusion

21. For the reasons I have given, and having regard to all matters raised, the appeal is dismissed.

Melissa Hall

Inspector

APPEARANCES

FOR THE APPELLANT:

Mr R Hathaway	Planning Consultant
Mr K Haines	Appellant
Ms T Greenslade	Appellant's partner

FOR THE LOCAL PLANNING AUTHORITY:

Mrs E Woolley	Senior Planning Officer
Mrs A Borge	Appeals Officer

INTERESTED PERSONS:

Mr A Jones	Resident
Ms L Jones	Resident
Mr S Jones	Resident
Mr C Laing	Resident
Ms C Henn	Resident
Mr P Henn	Resident
Ms A Flower	Resident
Ms D Fowler	Resident
Mr Baldwin	Resident
Mr Morgan	Resident
Mr Owen	Local Councillor

DOCUMENTS

1. Copy of the Council's notification letter dated 19 April 2016.
2. Copy of the Council's site notice giving notification of the appeal dated 15 April 2016.

APPENDIX D



The Planning Inspectorate Yr Arolygiaeth Gynllunio

Penderfyniad ar yr Apêl

Gwrandawriad a gynhaliwyd ar 19/07/16

Ymweliad â safle a wnaed ar 19/07/16

**gan Paul Selby BEng (Hons) MSc
MRTPI**

Arolygydd a benodir gan Weinidogion Cymru

Dyddiad: 26/07/16

Appeal Decision

Hearing held on 19/07/16

Site visit made on 19/07/16

by Paul Selby BEng (Hons) MSc MRTPI

an Inspector appointed by the Welsh Ministers

Date: 26/07/16

Appeal Ref: APP/F6915/A/16/3145806

Site address: Fforchlas Cottage, Church Street, Pontycymer CF32 8HS

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 Mrs Bethan Dalton-Marshall against the decision of Bridgend County Borough Council.
 - The application Ref P/15/493/FUL, dated 30 July 2015, was refused by notice dated 24 September 2015.
 - The development proposed is described as 'Proposed extensions and alterations to Fforchlas Cottage, Pontycymer, Bridgend, CF32 8HS - Amended Scheme'.
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Decision

1. The appeal is allowed and planning permission is granted for Proposed extensions and alterations to Fforchlas Cottage, Pontycymer, Bridgend, CF32 8HS - Amended Scheme at Fforchlas Cottage, Pontycymer, Bridgend, CF32 8HS in accordance with the terms of the application, Ref P/15/493/FUL, dated 30 July 2015, subject to the following conditions:
 - 1) The development 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: 001 (Existing Block and Location Plan), 002 (Existing Floor Plans and Sections), 003 (Existing Elevations), 004 (Proposed Block and Location Plan), 005 (Proposed Floor Plans), 006 (Proposed Sections), 007 (Proposed Elevations).
 - 3) Prior to the construction of the extension hereby approved details and/or samples of the materials to be used in the construction of the external surfaces of the extension shall be submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
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Main Issue

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

Reasons

3. The appeal relates to a modest, stone-built former farm building that has been converted and extended to form a dwelling. The building lies within a steep sided valley of open grassland and dispersed woodland, designated as part of a Special Landscape Area (SLA) in the Bridgend Local Development Plan (LDP). A larger farmhouse building lies close to the appeal building on lower ground, and other agricultural structures are also in proximity. Public rights of way traverse the hillside on the opposite side of the valley to the south, from which the front and east elevations of the appeal building can be seen.
4. It is proposed to extend the existing one storey element of the dwelling around 3.5 metres eastwards. Whilst the width of the building would be increased, this would be substantially offset in visual terms by the proposed demolition of an existing side extension accommodating a utility/storeroom. The matching materials and similar form of the side extension, in addition to the modest increase in width, would assist in protecting the character and appearance of the original farm building.
5. It is also proposed to replace two rear annexes with a substantial rear extension of similar height to the existing two storey part of the original building and of the same width as the extended dwelling. The volume of the combined extensions would exceed the guidance contained in the Council's adopted Supplementary Planning Guidance (SPG) 02 – Householder Development, which says that extensions to houses in the countryside should not exceed 25% of the floorspace of the original dwelling. Furthermore, the roof form of the rear extension would project above the one storey part of the original building, and its first floor and east elevation would be clearly visible in longer range views, including from the nearby public rights of way.
6. Nevertheless, whilst the size of the rear extension is large and not strictly subordinate to the original building in floorspace terms, it would be located to the rear of the property and set close against the steep hillside, considerably reducing its prominence. When viewed from the rear access lane, its apparent size and bulk would be reduced by being located close to the excavated hillside on land lower than the lane. Furthermore, the form of the proposed rear extension would reflect the rural vernacular of the existing dwelling, both in its overall dimensions and in its modest windows and doors and, in this sense, would represent an improvement to the existing rear annexes, which have a domestic character and appearance unsympathetic to the rural context.
7. The timber cladding and sheet metal roofing proposed in the rear extension would be of a wholly different appearance to the existing, but would assist in visually distinguishing the extension from the original building. At the hearing the appellant indicated that there is a tradition of using timber and sheet metal in rural buildings in the locality, and I saw evidence of this on my site visit. Whilst I accept that there is some element of subjectivity in determining whether or not particular materials are attractive, I am conscious that Planning Policy Wales (PPW) says that architectural tastes should not be imposed arbitrarily and opportunities for innovative design solutions should not be inhibited. I find that the proposed materials are 'subordinate'

to, yet harmonise with, the stone, brick and slate present in the original building, are not inappropriate to the local context, and are acceptable as a result.

8. In terms of the SLA, the existing dwelling is perceived as part of a group of farm buildings together with the adjacent farmhouse and various agricultural structures nearby and, as an example of traditional local rural architecture, it makes a positive contribution to the immediate setting. From the opposite side of the valley the building is viewed against the backdrop of the hillside on which it sits, and is well integrated into the landscape by groups of mature trees. The concrete rendered finish and suburban form of the existing two storey rear annexes are, however, perceptible in long distance views. Whilst the proposed two storey rear extension would be larger than these existing annexes, its form would more sympathetically reflect that of the original building, and the proposed timber cladding and sheet metal roofing would better reflect and assimilate with the character of the landscape, including during the winter months when the screening provided by nearby trees would reduce. The proposed French doors on the east elevation would be visible in public views, but they would be of modest proportions and would not detract from the character of the SLA.
9. Despite the relatively large increase in floorspace, I consider that, due to the specific circumstances of the site and the quality and nature of the design, the extended dwelling would retain the character and appearance of a modest, traditional farm building. Consequently, I conclude that the proposal would accord with the objectives of LDP policies SP2, ENV1 and ENV3 to ensure that extensions to dwellings in the countryside are modest in scale, subordinate to original buildings, reflect local building traditions and materials, and integrate within SLAs. The proposal would also be consistent with the general thrust of the Council's SPG, Planning Policy Wales and Technical Advice Note 12 – Design, which seek to protect the character and appearance of existing dwellings and the countryside.

Other Matters

10. I acknowledge that the proposed accommodation has been designed with the needs of Mrs Dalton-Marshall's family in mind, in that the provision of more generous living accommodation and space for home working would facilitate the family remaining in the house. In this regard I acknowledge the appellant's familial links to the property, that the appellant's family is Welsh speaking and that her two daughters attend a Welsh-medium school in the valley. I saw on my site visit that, although the existing accommodation is relatively modest, it is fairly typical of an old rural cottage and provides acceptable living accommodation. In any case, whilst I have had regard to these matters, I have concluded against the main issue that the proposal would not harm the character or appearance of the area. In reaching my decision I have afforded these personal circumstances little weight.
11. The appellant also submits that the proposed extensions would improve thermal insulation within the dwelling, assist in solving damp issues and allow the property to be heated by locally sourced timber. I do not dispute the appellant's genuine intentions to improve the energy efficiency of the dwelling, but no convincing justification has been put before me that improvements to the property's performance could not be achieved by other means. Whilst I recognise that the replacement of the older side and rear annexes with modern extensions would be likely to improve the thermal insulation of the building as a whole, I have afforded these matters little weight.

Conditions

12. I have had regard to the planning condition suggested by the Council and have considered the necessity of this and other conditions with regard to the advice in Welsh Government (WG) Circular 06-2014 – The Use of Planning Conditions for Development Management.
13. The standard time limit and plans conditions are necessary in the interests of proper planning. In addition, a condition relating to the submission of details or samples of materials to be used in the external surfaces of the dwelling is also necessary in the interests of protecting the character and appearance of the area.

Conclusion

14. For the reasons given above, I conclude that the appeal should be allowed.

Paul Selby

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Andrew Vaughan-Harries	Appellant's agent
Hilton Marlton	Design Consultant
Bethan Dalton	Appellant / joint owner
Huw Marshall	Joint owner

FOR THE LOCAL PLANNING AUTHORITY:

Elizabeth Woolley	Planning Case Officer
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DOCUMENTS SUBMITTED AT THE HEARING

1. Copy of Drawing No. 007 – Proposed Elevations
2. Letter of support from Cllr Reg Jenkins (County Borough Councillor, Pontycymer Ward)