

THE VALE OF GLAMORGAN COUNCIL

PLANNING COMMITTEE: 12TH MAY 2005

REPORT OF THE DIRECTOR OF ENVIRONMENTAL
AND ECONOMIC REGENERATION

4. APPEALS

(a) Planning appeals received

L. P. A. Reference No: 04/01448/FUL
Appeal Method: Written Representations
Appeal Reference No: 05/1177393
Appellant: Mr and Mrs James,
Location: **Land to the rear 8, Ash Grove, Ystradowen**
Proposal: Change of use of land to domestic curtilage
Start Date: 31st March, 2005

L. P. A. Reference No: 05/00059/FUL
Appeal Method: Written Representations
Appeal Reference No: 05/1177658
Appellant: Mr Stephen Colderley,
Location: **28, Afal Sur, Pencoedtre, Barry**
Proposal: Garage to be converted into living area/study
Start Date: 4th April, 2005

L. P. A. Reference No: 04/01180/FUL
Appeal Method: Written Representations
Appeal Reference No: 05/1177880
Appellant: Mr. M. David,
Location: **29, Main Road, Ogmored By Sea**
Proposal: Garage and bedroom extension
Start Date: 7th April, 2005

L. P. A. Reference No: 04/01344/FUL
Appeal Method: Hearing
Appeal Reference No: 05/1177921
Appellant: T. O'Connor & B. Griffiths
Location: **Land at the rear of 31 and 32, Station Road, Penarth**
Proposal: Demolish existing commercial garage buildings and
construct 2 No. Mews Court, two storey dwellings with
integral garages
Start Date: 7th April, 2005

L. P. A. Reference No: 04/01791/FUL
Appeal Method: Written Representations
Appeal Reference No: 05/1178026
Appellant: Orange PCS Ltd.,
Location: **Ty Newydd Farm, Sigginston**
Proposal: A slimline lattice telecommunications tower 16.9m in height with 4 microwave dishes and up to 6 antennae together with a six pack equipment cabinet and electric meter cabinet
Start Date: 12th April, 2005

L. P. A. Reference No: 04/01786/FUL
Appeal Method: Written Representations
Appeal Reference No: 05/1178244
Appellant: Mr. and Mrs. Reid,
Location: **151, Plymouth Road, Penarth**
Proposal: Demolition of existing garage. Construction of two storey extension to side and rear to create new garage and living space
Start Date: 13th April, 2005

L. P. A. Reference No: 04/00917/OUT
Appeal Method: Hearing
Appeal Reference No: 05/1178708
Appellant: David Evans Agricultural Ltd.,
Location: **Old Middlehill, Llancarfan**
Proposal: Residential plot
Start Date: 20th April, 2005

(b) Enforcement appeals received

None received during reporting period

(c) Planning appeal decisions

L. P. A. Reference No: 04/00619/FUL
Appeal Method: Hearing
Appeal Reference No: 04/1168843
Appellant: Stephen John Kitch,
Location: **83, Glebe Street, Penarth**
Proposal: Proposed dormer bedroom with en-suite bathroom
Decision: **Split Decision - Refusal upheld**
Date: 22nd March, 2005
Inspector: Mr. Hywel Jones
Council Determination: Officer Delegated

Summary

The proposal was noted to have two distinct elements, these being a rear-facing dormer window, and a separate side-facing dormer window on the rear wing, the latter of which was not objected to by the Council. A split decision was issued, granting planning permission for the latter. The council's objections to the main dormer were, however, upheld.

The main issues were noted to be the effect of the proposed development on (i) the character and appearance of the surrounding area; and (ii) the safety and convenience of highway users.

The Inspector noted that the buildings within Glebe Street have retained a general uniformity, particularly in terms of their roofs and their openings. The proposed raising of the ridgeline to incorporate the rear dormer would, however, appear as an incongruous feature within Glebe street. Although there are steps in the ridgeline at present, these steps, he opined, reflect the gradient of the street, whereas the stepping down between the appeal site and no. 84 would conflict with this pattern.

The harmful effect of this raising of the ridgeline on the 'visual cohesiveness' of the street would, he concluded, be exacerbated by the proposed vertical upstand, which would represent an alien feature as well as resulting in the loss of the continuation of red ridge tiles that presently define the apex of the roofs.

From the rear, the dormer would also appear as a dominant feature that would be out of scale with the modest roofs of the terrace and at odds with the simple uniformity of the roofscape. The design of the dormer and its relationship to the surrounding built form would not, therefore, meet the high design standard encouraged in TAN12.

With respect to highway matters, the parties agreed that there is daytime pressure for parking, while the Inspector observed that the parking on both sides of the street means that approaching cars must rely on gaps between parked vehicles to pass.

The Inspector concluded, however, that the development would not lead to any significant adverse impact on highway conditions, being consistent with the government's objective of securing sustainable residential environments. On this basis, he considered the council's standards should be applied flexibly, "particularly as they do not conform to national policy".

Comments

Although a split decision has been made, it is satisfying that the Council's objections relating to the visual impact of the proposed dormer have been sustained at appeal. The decision does indicate once again, however, the need to apply parking standards flexibly except where it can be demonstrated that highway safety would otherwise be unacceptably compromised.

L. P. A. Reference No: 04/01748/FUL
Appeal Method: Hearing
Appeal Reference No: 04/1170911
Appellant: Mr. & Mrs. C. Jones,
Location: Brooklands Hall, Brook Lane, St. Nicholas
Proposal: Extension
Decision: **DISMISSED**
Date: 20th April, 2005
Inspector: Robert Gardener
Council Determination: Planning Committee

Summary

The Inspector considered the main issues to be the effect of the proposed alterations and extensions on the character and appearance of the existing dwelling and the impact of the resulting building on its rural surroundings.

Before considering matters of impact, the Inspector usefully considered the matter of scale, given that criterion (i) of Policy HOUS7 requires the size of extensions to be assessed relative to the original dwelling and that the meaning of 'original' was disputed by the appellants.

Although it is not defined for purposes of the policy, the Inspector stated that he did "not consider that there can be any doubt. In the absence of any other definition, original must assume its everyday, common meaning which, for this purpose, is simply 'as built'. The fact that, as the Council points out, for other purposes 'original' may be taken as 1 July 1948 (when the Town and Country Planning Act 1947 became operative) need not affect the situation since it is known that Brooklands House was constructed after that date".

Although he then stated that it may be both material and reasonable with the passage of time to make allowances for longstanding additions, he saw no justification for the appellants' contention that 'original' should be taken to mean the building as it now is, since, if correct, that principle would allow for a continuous accumulation of extensions and additions to be judged relative only to the already enlarged building.

With respect to the impact of the proposals, he acknowledged that the appeal scheme proposed less than that in 2004, but stated that the assessment of what may be a 'disproportionate' addition requires considerably more than the simple comparison of the before and after floor spaces, and rather an assessment of mass, bulk and volume as more relevant. For this purpose the 1993 extension and annex have already added considerably to the original house, and could be considered not have had a disproportionate effect on the original house principally because the annex was treated as a separate and distinct wing, linked to the main building by a single storey connection rather than massed with it.

In contrast, the proposal would both considerably increase the size of the main house and amalgamate both it and the annex into a single, large building form. Such unification would be compounded by the use of brickwork throughout, unlike the variety of external materials which is now apparent. Notwithstanding the considerable changes to its architectural style also intended, the identity of the original farmhouse would be lost within the resulting bulk and mass of the substantially enlarged structure. This left him in no doubt that both the additional volume sought and, more

particularly, the manner in which it is proposed to expand the building would be entirely disproportionate to the original dwelling, contrary to criterion (i) of Policy HOUS7.

On the matter of design, the Inspector noted that the original farmhouse is of "pleasant unassuming appearance" with proportions, style and architectural details reminiscent of the arts and crafts period. There was, however, "little of visual merit" about the later 'neo-Georgian' additions.

He concluded on matter of design that "what is now proposed would be unfocused, poorly proportioned and detailed, [and] an inadequate pastiche of the small Georgian country house it would purport to be", and that "there is little of the design which claims to have a local context and that which it might have had by at least respecting the 1949 farmhouse has been abandoned". It thus fell considerably short of the quality of design which the Assembly Government advocates through PPW and TAN12 in all parts of Wales including rural areas.

Although he accepted that the dwelling is not currently highly prominent or conspicuous, the effect of the proposal would be a considerably larger and bulkier building and consequently its impact would be commensurately greater. Moreover, he stated that the need to safeguard the countryside and particularly areas of landscape merit is not confined to those parts of it which are highly visible to public gaze and the intention to secure good design applies to all new developments wherever they may be.

Comments

Members will recall that the proposed extension of this dwelling within the countryside has been the subject of considerable discussion and negotiation by Officers, and a number of applications before Members, all of which have been refused, and two of which have now been firmly supported by the Planning Inspectorate at appeal.

This latest decision is thus highly encouraging, not only in its firm dismissal of the proposals in terms of their unacceptable impact, but also insofar as it is the first decision in which an inspector has provided support for the objectives of the policy and an interpretation of how such extensions should be considered against the 'original' dwelling.

(d) Enforcement Appeal Decisions Received

None received during reporting period

(e) April 2005 – March 2006 Appeal Statistics

		Determined Appeals			Appeals withdrawn /Invalid
		Dismissed *	Allowed	Total	
Planning Appeals (incl. tree appeals)	WR	0	0	0	
	H	1	0	1	
	PI	0	0	0	
Enforcement Appeals *	WR	0	0	0	
	H	0	0	0	
	PI	0	0	0	
All Appeals	WR	0	0	0	
	H	1	0	1	
	PI	0	0	0	
TOTAL		1	0	1	
This reporting period		2	0	2	

* Includes all determined appeals where the decision of the Council was 'upheld' (e.g. where an Enforcement appeal succeeds in part, but the Notice is upheld) in accordance with guidance for National Core Indicators.

Note that the 83 Glebe Street decision reported above was received during the 2004/05 financial year. To view statistics relating to the 2004/05 year, see the Appeals Annual report reported to this Committee.

(f) List of Forthcoming Hearings and Public Inquiries

<u>DATE</u>	<u>SITE AND PROPOSAL/ BREACH</u>
17 th May 2005	HEARING 25 Clive Place, Penarth <i>Hardstanding at front of property, creation of garden border, building of brick pier for gateway</i>
24 th May 2005	HEARING 47 Stanwell Road, Penarth <i>Conversion of existing 1st and 2nd floor accommodation into 3 flats</i>
21 st June 2005	PUBLIC INQUIRY Salt Barn, St Athan <i>Two reduced height two storey dwellings</i>
5 th July 2005	HEARING R/o 31 & 32 Station Road, Penarth <i>Demolish existing commercial garage buildings and construct 2 no. Mews Court, two storey dwellings with integral garages</i>

26th July 2005

PUBLIC INQUIRY (ENFORCEMENT)

Ty Nant, Blacklands Farm

Breach of Agricultural Occupancy Condition

In abeyance

PUBLIC INQUIRY (PLANNING & ENFORCEMENT)

Ewenny Quarry, Ewenny

In abeyance

PUBLIC INQUIRY (ENFORCEMENT)

Lower Greenway Farm

Change of use of the land and buildings from use for agricultural use to use for the manufacture, storage and sale of concrete related products

In abeyance

PUBLIC INQUIRY

Land allocated for employment, Rhose Point, Vale of Glamorgan

Outline application for residential development

Background Papers

Relevant appeal decision notices and application files (as detailed above)

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Officers Consulted

Head of Planning and Transportation

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AND ECONOMIC REGENERATION