

THE VALE OF GLAMORGAN COUNCIL

PLANNING COMMITTEE: 28TH SEPTEMBER, 2005

REPORT OF THE DIRECTOR OF ENVIRONMENTAL
AND ECONOMIC REGENERATION

4. APPEALS

(a) Planning Appeals Received

L. P. A. Reference No: 04/01826/FUL
Appeal Method: Written Representations
Appeal Reference No: 05/1186732
Appellant: Estate of the late Mrs. F. A.
**Location: Land adjacent to Penny Cottage, Dimlands Road,
Llantwit Major**
Proposal: Erection of one detached dwelling
Start Date: 12th August, 2005

L. P. A. Reference No: 04/01841/OUT
Appeal Method: Public Local Inquiry
Appeal Reference No: 05/1187669
Appellant: Professor K. M. Laurence,
**Location: Land at Springside, Pen-y-Turnpike Road, Dinas
Powys**
Proposal: Outline application for four detached two storey houses
Start Date: 23rd August, 2005

L. P. A. Reference No: 04/01275/FUL
Appeal Method: Written Representations
Appeal Reference No: 05/1188206
Appellant: Richard Gardener,
Location: The Dairy, Cwrt Yr Ala Estate, Michaelston-Le-Pit
Proposal: Construction of double garage
Start Date: 2nd September, 2005

(b) Enforcement Appeals Received

L. P. A. Reference No: ENF/99/0599/E
Appeal method: Public Inquiry
Appeal Reference No: C/05/1185899
Appellant: W.S. Jones & Son
Location: 1, Whitewell Cottage, Llancarfan lane, Bonvilston
Breach: Breach of Condition No. 1 of planning permission
CR16147 for an agriculturally restricted dwelling
Start Date: 19th August, 2005

(c) Planning Appeal Decisions

L. P. A. Reference No: 04/01278/FUL
Appeal Method: Written Representations
Appeal Reference No: 05/1179484
Appellant: Mr. & Mrs. P. Gamecho,
Location: Old Swan Inn, Church Street, Llantwit Major
Proposal: Extend single storey kitchen and retain timber
boundary fence to front elevation
Decision: **DISMISSED**
Date: 22nd August, 2005
Inspector: Mr. P. MacDonald
Council Determination: Officer Delegated

Summary

The issue arising in the determination of this appeal is whether the disputed conditions are reasonable and appropriate, bearing in mind the impact of the consented development on the listed building itself and on the character or appearance of the Conservation Area.

The planning application related to two elements. The first was a single storey extension on a yard area to the existing single storey kitchen attached to the eastern elevation of the building. The second was the retention of a 1.8m high timber fence, approximately 12m long, situated on top of a 2m high stone wall enclosing a private garden area. The top 0.3m of the fence is an arched trellis, and Condition No. 5 requires its removal. Condition No. 4 relates to planting along the line of this fence.

The fence was noted to be an elevated and highly visible feature within the heart of the Conservation Area and in the immediate setting of the listed building. Whilst the Inspector agreed that the appearance of the fence itself can be made acceptable by staining (as required by Condition No. 2, which was not disputed) and by the softening effect of planting, he considered that the trellis top has an inappropriate suburban appearance unsympathetic to the historic building and its urban setting. He thus agreed with the Council that this is an incongruous feature which should be removed. Although understanding the desire for privacy for the garden area behind, he stated that some overlooking from other properties is unavoidable in a closely developed urban setting.

In terms of the softening effect of planting, the Inspector noted that the existing tree on top of the wall provides this to some extent, but stated that more is needed. Although that part of the fence is in close proximity to the back of the wall, he considered some planting would still be possible, perhaps by modifying the bottom of the fence. All in all, he concluded that the disputed Condition Nos. 4 and 5 were "entirely reasonable and appropriate".

The last disputed condition related to the provision of proper storage facilities for refuse bins which currently stand outside the curtilage of the property, in close and visually prominent proximity to the main facade of the listed building. The Inspector stated that the condition is reasonable, because the consented works would reduce the storage space within the curtilage and, given the deleterious effect of the bins on the Conservation Area and the setting of the listed building, it was also appropriate.

He stated on this matter that the condition merely requires the agreement of an appropriate solution to the problem, and does not itself prescribe one, while noting that there is open space within the curtilage which might allow for a solution. He thus considered that further discussions should take place between the appellants and the Council to try and resolve the present unsatisfactory situation. Hence he concluded that the removal of the condition at this time would be inappropriate.

Comments

Although unusual insofar as this appeal related to the imposition of conditions on a grant of planning permission, it is pleasing to note that each of the conditions imposed have been deemed to be reasonable and necessary to mitigate the impact of the proposal on the conservation area and listed building. The Council will now seek to ensure that the fence is amended and planting undertaken in accordance with the condition. The refuse storage issue can only be resolved by the planning department once the kitchen extension has been implemented.

L. P. A. Reference No:	04/01869/FUL
Appeal Method:	Written Representations
Appeal Reference No:	05/1181270
Appellant:	Wendy Hopkins,
Location:	18-20, High Street, Cowbridge
Proposal:	Extension of existing retail premises involving demolition of existing flat roof construction and construction (to rear of site) of two storey development with 2 No. gable roofs
Decision:	SPLIT DECISION
Date:	7 th September, 2005
Inspector:	Mr. C. I. Cochrane
Council Determination:	Officer Delegated

Summary

In terms of the impact of the proposed two-storey rear extension, the Inspector noted that they would replace a smaller flat-roofed single-storey addition, and extend the existing 2-storey extension, which are both modern additions to the listed building. Although the Council considered this to be unsympathetic to its setting and too large in scale, the Inspector noted that it would employ a similar architectural style and palette of materials to that already found on this and other rear extensions in the vicinity.

Although wider and longer than those immediately adjoining the site, he did not consider that the extensions would appear incongruous or out of place in this backland area. Furthermore, he did not consider it likely to detract from the amenity of the occupiers of the adjoining flats at the rear of No. 16 High Street, due to the lower eaves height and existing projection beyond the windows of these flats.

He concluded that any historic or architectural interest of the rear elevation of the listed building has long since been subsumed by modern additions, such that the proposals would both preserve, and possibly, enhance the character of the building.

The proposed installation of a metal security grille in the form of a roller shutter in the front entrance, however, was considered to be a matter of concern regarding the architectural integrity of the listed building.

In this respect, he stated that the introduction of a security roller shutter would detract from the architectural and historic interest of the building, because it is likely that the box mechanism and guide rails would be alien visible features during the day and the metal grille shutter would be a discordant element in the evenings and at other times that the units are closed to the public. He considered it to be 'clearly the case' that the front elevation contributes significantly more than the rear to the special character of the historic building and the conservation area, such that he concluded that the proposed alterations to the main entrance would fail to preserve the character and features of the Grade II listed building, and the conservation area as a whole.

He this made a split decision, allowing the appeal in relation to the rear extensions, while dismissing that with regard to the proposed changes to the front entrance door and the installation of a security shutter.

Comments

Although the decision to allow the large rear extension is regrettable, in this case the importance of the front elevation to the listed building and Conservation Area was seen to be much greater than the rear, the integrity of which had already been subsumed by previous additions.

(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	11.5	2.5	14	
	H	4	2	6	1
	PI	0	0	0	
Planning Total		15.5 (78%)	4.5 (22%)	20	

Enforcement Appeals *	WR	1	1	2	
	H	0	0	0	1
	PI	0	0	0	2
Enforcement Total		1 (50%)	1 (50%)	2	
All Appeals	WR	12.5	3.5	16	
	H	4	2	6	2
	PI	0	0	0	2
Combined Total		16.5 ** (75%)	5.5 ** (25%)	22	4
This reporting period		1.5	0.5	3	1

* 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.

** Split decision on No. 18 High Street, Cowbridge shown as 0.5 for clarity purposes.

(f) List of Forthcoming Hearings and Public Inquiries

<u>DATE</u>	<u>SITE AND PROPOSAL/ BREACH</u>
28 th September, 2005	HEARING Ty Newydd Farm, Peterstone Super Ely <i>Construction of replacement dwelling.</i>
11 th October, 2005	HEARING Little West, Southerndown <i>Alteration and conversion of the building to provide apartments.</i>
In abeyance	PUBLIC INQUIRY (PLANNING & ENFORCEMENT) Ewenny Quarry, Ewenny <i>Breach of operating hours (Condition No. 19 of planning permission 98/01109/FUL).</i>
In abeyance	PUBLIC INQUIRY Land allocated for employment, Rhoose Point, Vale of Glamorgan <i>Outline application for residential development.</i>

Background Papers

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

Contact Officer - Steve Ball, Tel: 01446 704690

Officers Consulted:

Head of Planning and Transportation.

ROB QUICK
DIRECTOR OF ENVIRONMENTAL
AND ECONOMIC REGENERATION