

THE VALE OF GLAMORGAN COUNCIL

PLANNING COMMITTEE: 6 SEPTEMBER 2007

REPORT OF THE DIRECTOR OF ENVIRONMENTAL
AND ECONOMIC REGENERATION

4. APPEALS

(a) Planning Appeals Received

L.P.A. Reference No: 2006/00800/FUL
Appeal Method: Public Local Inquiry
Appeal Reference No: 07/1201076
Appellant: RWE npower plc.,
Location: Aberthaw Power Station, The Leys, Aberthaw
Proposal: Extension in height of the existing Aberthaw Power
Station ash mound to 65 metres AOD
Start Date: 25 July 2007

**** Please note:** as the Aberthaw Power Station appeal has been changed from a
an appeal dealt with via Written Representations to a Local Public Inquiry, the
appeal has been given a new start date**

L.P.A. Reference No: 2006/01412/FUL
Appeal Method: Written Representations
Appeal Reference No: 07/2049861
Appellant: Mr. Goodwin,
Location: Ivy Cottage, Colwinston
Proposal: Proposed conservatory to side
Start Date: 13 July 2007

L.P.A. Reference No: 2006/01322/FUL
Appeal Method: Written Representations
Appeal Reference No: 07/2049481
Appellant: Rocketfine Limited,
Location: Land to the rear of Daniel Street, Barry
Proposal: Erection of housing development, flats and
associated site works (4 flats and 16 houses, total
20 units)
Start Date: 11 July 2007

Enforcement Appeals Received

None.

(b) Planning Appeal Decisions

L.P.A. Reference No: 2007/00405/FUL
Appeal Method: Written Representations
Appeal Reference No: 07/2044571
Appellant: Deborah Lazarou,
Location: 20a, Glebe Street, Penarth
Proposal: Change of use of first floor from D2 use to D1 as a complementary health clinic (Appeal against condition 3 relating to opening hours)

Decision: Appeal Allowed
Date: 7 August 2007
Inspector: Mr. Hywel Jones
Council Determination: Delegated

Summary

The premises had the benefit of permission to be used as a complementary health clinic, with hours of opening limited to 0900hrs to 1800hrs Monday to Saturday by way of Condition No. 3 attached to the original 2007/00405/FUL permission. The appeal considers the extension of these hours of opening to 0900hrs to 2000hrs Monday to Saturday and the impact this will have on the living conditions of the occupiers of nearby residential properties.

In allowing the appeal, the Inspector noted that the area already has a mixed use with a betting office, shops, offices, a taxi operating base and several hot food outlets within the vicinity of the site, some of which operate beyond the 2000hrs proposed by the appellant. He considered that, within this mixed use area, the likely nature and intensity of the comings and goings associated with D1 use (the complementary Health Clinic) is such that it would not create any more noise or disturbance for neighbouring residents than they could reasonably expect within this area. The Inspector considered there to be no evidence to suggest that the current use of the premises, or the envisaged extension to its operating hours, cause concern to local residents.

L.P.A. Reference No: 2006/00831/FUL
Appeal Method: Written Representations
Appeal Reference No: 07/2043024
Appellant: A. & S. Evans,
Location: Llandow Touring Caravan Park, Llandow
Proposal: Deletion of Condition No. 6 of consent 06/00105/FUL to enable the park to be use for seasonal tourers

Decision: Appeal Allowed
Date: 31 July 2007
Inspector: Mr. D. N. Wilks
Council Determination: Delegated

Summary

The appeal relates to the refusal of permission to retain the use of the above-mentioned site as a caravan park without complying with a condition attached to the 06/00105/FUL permission which states: *"No caravans shall stay on the site for any period longer than eight weeks in any calendar year."* The Inspector considered the main issue in the appeal to be whether removal of the condition would result in an undesirable change in the nature of the use of the site to a residential caravan park and the effect this would have on the local tourism economy.

In allowing the appeal, the Inspector firstly considered that, even without the limitations of Condition No. 6, there were sufficient limitations on the existing permission to prevent the site turning to permanent residential use. He commented that if such a change occurred, then it would be regarded as a material change of use requiring planning permission. He also considered that, regardless of whether the site is used by the same caravans staying all season or by those staying for shorter periods, it should make no significant difference to the effect on local services or infrastructure, providing the site remains in holiday use as permitted.

In conclusion, the Inspector considered that it would be reasonable to allow the appellant some additional flexibility in the use of his site by permitting half of the pitches to be used for seasonal tourers, whilst retaining the other half for short term use. In granting planning permission for the proposal, the inspector placed a condition on the permission allowing only 50 caravan pitches on the site to be used for the siting of touring caravans for the whole period of the approved season.

L.P.A. Reference No:	2006/01776/FUL
Appeal Method:	Written Representations
Appeal Reference No:	07/2042880
Appellant:	R. Evans,
Location:	Marlborough Lodge, Crossways, Cowbridge
Proposal:	Construction of new farm and residential access
Decision:	Appeal Dismissed
Date:	30 July 2007
Inspector:	Mr. D. N. Wilks
Council Determination:	Delegated

Summary

The Inspector considered the main issues to be whether the proposal would, first, improve conditions of highway safety and second, constitute unnecessary development in the open countryside detrimental to its character and appearance.

In dismissing the appeal, the Inspector agreed with the Council's findings that the proposal would not necessarily improve highway safety, nor complement, enhance or protect the character of the area and its existing features. He said that it would conflict with Policy ENV27 of the UDP, and would increase the cumulative visual intrusion of surfaced openings in this locality on the rural scene. He found that these shortcomings outweigh the degree of need for the proposal and the appeal will be dismissed.

L.P.A. Reference No: 2006/00862/FUL
Appeal Method: Written Representations
Appeal Reference No: 07/1201264
Appellant: Mr. & Mrs. R. Eustace,
Location: Court House, Flemingston, St. Athan
Proposal: Proposed first floor extensions over existing kitchen/breakfast, utility room and double garage
Decision: Appeal Dismissed
Date: 16 July 2007
Inspector: Mr. B. Barnes
Council Determination: Delegated

Summary

In dismissing the appeal, the Inspector considered that the extent of the proposed two storey extensions are so extensive and out of proportion that they would significantly alter the original building's character and appearance. He found that the proposed development would not be in accordance with the development plan or national guidance and would not preserve or enhance the Flemingston Conservation Area. The Inspector also considered the proposal to have an extremely overbearing impact and be harmful to the amenities enjoyed by the neighbouring residents.

L.P.A. Reference No: 2006/00818/FUL
Appeal Method: Written Representations
Appeal Reference No: 07/1201202
Appellant: Mr. C. Morgan,
Location: Land east of Chequers, East Aberthaw
Proposal: Erection of 2 no. dwellings
Decision: Appeal Dismissed
Date: 10 July 2007
Inspector: Mr. B. Barnes
Council Determination: Delegated

Summary

The Inspector dismissed the appeal as he found that the proposed dwellings would not preserve or enhance the Conservation Area. He also found that the proposed dwelling would result in a total of six dwellings served by the private drive, whereas the Council's Highway Design Standards stipulate that private drives should only serve a maximum of five dwellings. The proposal would, therefore, create unacceptable conditions for vehicles and residents.

L.P.A. Reference No: 2006/01772/FUL
Appeal Method: Written Representations
Appeal Reference No: 07/2042737
Appellant: Mr. & Mrs. E. Millar,
Location: **24, Heol Neuadd Cogan, Caversham Park, Penarth**
Proposal: 2 storey extension
Decision: Appeal Dismissed
Date: 30 July 2007
Inspector: Mr. D. N. Wilks
Council Determination: Delegated

Summary

In dismissing the appeal, the Inspector considered that the scale and siting of the proposal would detract from the character of the existing dwelling. He also concluded that the development would block views from the estate into the countryside beyond, thus effecting the street scene to an unacceptable degree, contrary to the aims of the development plan and the interests of local amenity.

L.P.A. Reference No: 2006/01009/FUL
Appeal Method: Written Representations
Appeal Reference No: 07/1201194
Appellant: Mr. S. Gosling,
Location: **1, Cliff Street, Penarth**
Proposal: Replacement of workshop and store to form a one-bedroom house
Decision: Appeal Dismissed
Date: 9 July 2007
Inspector: Mr. B. Barnes
Council Determination: Delegated

Summary

The Inspector considered that the proposed dwelling, having regard to its juxtaposition with the nearby dwellings and the area's topography, would look out of place, be harmful to the character of the area and be visually overbearing. He commented that the development would have an unacceptable detrimental impact upon the neighbouring garden, and the building would be unneighbourly. The Inspector found that the proposal would not be in accordance with the development plan or national guidance, moreover the amenity space for the proposed dwelling would fall well short of that suggested in the Council's SPG.

L.P.A. Reference No: 2006/00846/FUL
Appeal Method: Hearing
Appeal Reference No: 07/1201054
Appellant: Mr. P. Martin,
Location: **Land adjacent to 7, Stacey Road, Dinas Powys**
Proposal: Erection of new dwelling
Decision: Appeal Dismissed
Date: 23 July 2007
Inspector: Mr. Hywel Jones
Council Determination: Delegated

Summary

It appears that the Inspector dismissed the appeal on one ground only. He found the principal of the development of the site to accommodate a modest dwelling to be acceptable. He also thought the position, size and overall approach to the design of the building to be acceptable. However, he found that the large opening in the front elevation (included in the design to accommodate a car parking space within the building) would create a discordant feature that would dominate the main facade at odds with the adjacent rows of dwellings, thus harming the character and appearance of the street scene.

(e) April 2007 – March 2008 Appeal Statistics

		Determined Appeals			Appeals withdrawn /Invalid
		Dismissed *	Allowed	Total	
Planning Appeals (incl. tree appeals)	WR	14	9	23	3
	H	2	-	2	
	PI	-	-	-	
Planning Total		16 (64%)	9 (36%)	25	
Enforcement Appeals	WR	1	2	3	
	H	-	-		
	PI	-	-		
Enforcement Total		1 (33.33%)	2 (66.67%)	3	
All Appeals	WR	15	11	26	3
	H	2	-	2	
	PI	-	-	-	
Combined Total		17	11	28	3

Background Papers

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

Contact Officer – Justina M Walsh, Tel: 01446 704690

Officers Consulted:

Head of Planning and Transportation.

ROB QUICK
DIRECTOR OF ENVIRONMENTAL
AND ECONOMIC REGENERATION