

THE VALE OF GLAMORGAN COUNCIL

PLANNING COMMITTEE: 13 DECEMBER 2007

REPORT OF THE DIRECTOR OF ENVIRONMENTAL  
AND ECONOMIC REGENERATION

4. APPEALS

(a) Planning Appeals Received

L.P.A. Reference No: 2007/00410/FUL  
Appeal Method: Written Representations  
Appeal Reference No: 07/2058868  
Appellant: Mr. W. J. Laing,  
**Location: Capehart, Higher End, St. Athan**  
Proposal: Single storey extension to kitchen at front of house  
Start Date: 8 November 2007

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Enforcement Appeals Received

None.

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(b) Planning Appeal Decisions

L.P.A. Reference No: 2007/00881/FUL  
Appeal Method: Written Representations  
Appeal Reference No: 07/2058850  
Appellant: Paddle Limited,  
**Location: Former allotments at Cedar Road, Eglwys Brewis**  
Proposal: Residential development with associated roads  
Decision: Appeal Withdrawn  
Date: 13 November 2007  
Inspector:  
Council Determination: Committee

**Summary**

Appeal withdrawn.

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L.P.A. Reference No: 2007/00430/FUL  
Appeal Method: Written Representations  
Appeal Reference No: 07/2052626  
Appellant: Stuart Munro,  
**Location: 6, Chaucer Close, Penarth**  
Proposal: Attic conversion and kitchen extension  
Decision: Split Decision - UPHELD - see file  
Date: 15 November 2007  
Inspector: Mr. Richard Poppleton  
Council Determination: Delegated

### **Summary**

The Inspector dismissed the appeal in respect of the attic conversion and construction of the dormer window, but allowed the appeal and granted planning permission for the kitchen extension subject to conditions.

The Inspector considered the main issue in the appeal to be the effect of the proposal upon the appearance of the area.

The Council raised no objection in respect of the kitchen extension both terms of its design and effect on adjoining residents. The Inspector therefore agreed with the Council's findings with regard to the extension.

However, with regard to the large, flat roof dormer, the inspector concluded that this development failed to respect the design of the host building, that also forms part of a pair of similarly shaped dwellings within a close group of other hipped roof houses. He considered that the proposal would fundamentally alter the appearance of the building and destroy the visual harmony with the other half of the building and its neighbours.

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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  
Decision: Appeal Dismissed  
Date: 30 October 2007  
Inspector: Mr. P. G. Horridge  
Council Determination: Delegated

### **Summary**

The Inspector considered the main issue in this appeal to be the effect of the conservatory on the character of the dwelling and the wider Conservation Area.

The Inspector recognised the value of the Colwinston Conservation Area as an attractive grouping of old and new cottages and houses within a pattern of narrow streets. He noted that although Ivy Cottage is not listed, it contributes positively to the Conservation Area. He commented that the conservatory occupies a prominent position on the side of the property, visible at the adjoining highway.

In dismissing the appeal, he stated that the design of the conservatory reflects those of others in the area which he felt did not contribute to the present appearance of the area. He felt the pitch of the conservatory roof differs from that of the main house, and the hipped roof sits uncomfortably with the existing development. In summary, he thought that the conservatory presents a jarring appearance and fails to preserve or enhance the character or appearance of the Colwinston Conservation Area.

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L.P.A. Reference No:	2006/01322/FUL
Appeal Method:	Written Representations
Appeal Reference No:	07/2049481
Appellant:	Rocketfine Limited,
<b>Location:</b>	<b>Land to the rear of Daniel Street, Barry</b>
Proposal:	Erection of housing development, flats and associated site works (4 flats and 16 houses, total 20 units)
Decision:	Appeal Dismissed
Date:	30 October 2007
Inspector:	Mr. P. G. Horridge
Council Determination:	Committee

### **Summary**

The Inspector recognised that the principle of residential development on the site had been established as the site is allocated for such purposes in the Unitary Development Plan (UDP).

However, it appears that the Inspector had three reasons for dismissing the appeal:

1. Some of the dwellings would have inadequate amenity space, leading to unsatisfactory living conditions for future residents. This would conflict with policies UDP Policies ENV27 and HOUS8 which require new housing developments to meet the Council's standards on provision of amenity space as set out in Supplementary Planning Guidance (SPG) on Amenity Standards.
2. There is a shortfall in parking provision which could result in on-street parking on local roads.
3. There would also be problems of loss of privacy to existing dwellings outside the site in view of the close proximity of the habitable room windows in parts of the new development to some of the dwellings that surround the site.

Overall the Inspector thought the scheme to be an overdevelopment of the site, which in all respects would be contrary to UDP Policies ENV27, particularly criterion (ii) and HOUS8, particularly criterion (v).

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L.P.A. Reference No: 2006/01546/FUL  
Appeal Method: Hearing  
Appeal Reference No: 07/2047538  
Appellant: Lt Col L.L. Traherne,  
**Location: Site at the Drope, Drope Road, Nr. St. Georges  
Super Ely**  
Proposal: Construction of a new residential dwelling.  
Decision: Appeal Dismissed  
Date: 12 November 2007  
Inspector: Mr. Hywel Jones  
Council Determination: Delegated

## Summary

The Inspector considered there to be two main issues in the appeal:

1. Whether the site is a suitable location for the proposed development having regard to the Council's strategy on new housing in rural areas; and
2. The effect of the proposed development on the character and appearance of the area.

With regard to the first issue, the Inspector noted that the Council's Strategic Policies seek to control the location of new development in a way that minimises dependency on the private car. In the light of this, whilst he accepted that the proximity of the site to Cardiff means that it is in a reasonably sustainable location when compared to more remote rural locations, he thought the absence of a footway connection, the limited bus service and the distance from local shops are such that the site does not perform well in this respect. The Inspector felt that occupiers would be likely to be dependent on the private car for many of their day-to-day journeys. In view of this, he found the scheme to conflict with the UDP's strategy on new housing in rural areas.

As for the second issue, the Inspector considered that the Drope Conservation Area was characterised by traditional rural buildings, including an imposing Rectory, several large farmhouses and associated outbuildings and more modest farm workers cottages. In the Inspector's opinion, the recent residential conversion of nearby barns only serves to reinforce the importance of protecting the area from any development that would further erode its rural character. He noted the enhancement works that would result from the development and that there is no objection to the design of the proposed dwelling. However, he concluded that none of these considerations overcome the concerns that the erection of a dwelling and the associated domestication of the site would harm the character and appearance of the Conservation Area.

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L.P.A. Reference No: 2006/01548/FUL  
Appeal Method: Hearing  
Appeal Reference No: 07/2046096  
Appellant: Brian Griffiths,  
**Location: Land to the rear of 37, Victoria Road (Walton House), Penarth**  
Proposal: Erection of a detached one and a half storey dwelling and two parking spaces off existing driveway to Victoria Road and demolition of existing shed  
Decision: Appeal Dismissed  
Date: 30 October 2007  
Inspector: Iwan Lloyd  
Council Determination: Delegated

## Summary

The Inspector considered the main issues in this case to be:

1. The effect of the proposal on the character or appearance of Penarth Conservation Area; and
2. The effect of the proposal on the living conditions of occupiers of Nos. 18 and 20 Salisbury Avenue, in relation to overlooking.

With regard to the first issue, the Inspector concurred with the Council that there was importance in maintaining the line of the designation of the Conservation Area (the site is at the edge of the Conservation Area boundary) and the historical pattern and layout of the Victorian villa with its walled garden. He considered the walled garden of the property as a whole to form an intrinsic part of the historic pattern of development in the Conservation Area and one which would be eroded by the proposed scheme. He, therefore, concluded that the proposal would fail to preserve the character of Penarth Conservation Area.

As for the second issue, the Inspector felt that, due to the proximity of the proposed dwelling overlooking the adjoining sites, the privacy of the occupiers of this dwelling would be compromised. He commented that whilst this point was not a reason for refusing planning permission, it was considered to be a legitimate concern for which planning conditions could not appropriately address. He, therefore, I concluded that the proposal would harm the living conditions of adjoining occupiers.

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(c) April 2007 – March 2008 Appeal Statistics

		Determined Appeals			Appeals withdrawn /Invalid
		Dismissed *	Allowed	Total	
<b>Planning Appeals</b> inc.tree appeals	<b>W</b>	22	11	<b>33</b>	5
	<b>H</b>	4	1	<b>5</b>	1
	<b>PI</b>	-	-	-	-
<b>Planning Total</b>		26 (68.5%)	12 (31.5%)	<b>38</b>	6
<b>Enforcement Appeals</b>	<b>W</b>	1	2	<b>3</b>	-
	<b>H</b>	-	-	-	-
	<b>PI</b>	-	-	-	-
<b>Enforcement Total</b>		1 (33.33%)	2 (66.67%)	<b>3</b>	-
<b>All Appeals</b>	<b>W</b>	23	13	<b>36</b>	5
	<b>H</b>	4	1	<b>5</b>	1
	<b>PI</b>	-	-	-	-
<b>Combined Total</b>		27	14	<b>41</b>	6

(d) Other Matters

None.

Background Papers

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

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Officers Consulted:

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