

THE VALE OF GLAMORGAN COUNCIL

PLANNING COMMITTEE: 14 JUNE 2007

REPORT OF THE DIRECTOR OF ENVIRONMENTAL  
AND ECONOMIC REGENERATION

4. APPEALS

(a) Planning Appeals Received

L.P.A. Reference No: 2007/00664/FUL  
Appeal Method: Hearing  
Appeal Reference No: C/07/1201335  
Appellant: Mr. Steve Wright  
**Location:** **Lyndon Grove, Llanmihangel Road, Llanblethian**  
Proposal: Unauthorised laying of a block-paved, hard-standing area to the rear of the existing stables and siting of a horse-walker at the northern end of the paved area  
Start Date: 10 April 2007

L.P.A. Reference No: 2006/01838/FUL  
Appeal Method: Written Representations  
Appeal Reference No: 07/2043190  
Appellant: Karl Shellard,  
**Location:** **The Coach House, rear of Portman House, Stanwell Road, Penarth**  
Proposal: Change of use from offices to residential  
Start Date: 24 April 2007

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  
Start Date: 20 April 2007

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  
Start Date: 20 April 2007

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  
Start Date: 24 April 2007

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 No. 3 relating to opening hours)  
Start Date: 10 May 2007

L.P.A. Reference No: 2006/01310/FUL  
Appeal Method: Written Representations  
Appeal Reference No: 07/2044681  
Appellant: Mr. G. Perkins,  
**Location:** **Woodlands, Peterston-Super-Ely**  
Proposal: Field shelter/machinery store  
Start Date: 10 May 2007

L.P.A. Reference No: 2006/01258/FUL  
Appeal Method: Written Representations  
Appeal Reference No: 07/2045110  
Appellant: Mr. & Mrs. T. Saunders,  
**Location:** **21, Pembroke Close, Dinas Powys**  
Proposal: New detached dwelling to the side of No. 21, Pembroke Close  
Start Date: 17 May 2007

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(b) Enforcement Appeals Received

None received during reporting period.

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(c) Planning Appeal Decisions

2006/00959/FUL

L.P.A. Reference No:	2006/00959/FUL
Appeal Method:	Written Representations
Appeal Reference No:	06/1200548
Appellant:	Christopher Brooke,
<b>Location:</b>	<b>Corrwg Fach Farm, Pendoylan, Cowbridge</b>
Proposal:	Straightening of access road to facilitate emergency services access and comply to Local Authority recommendations
Decision:	Appeal Allowed
Date:	19 April 2007
Inspector:	Mr. C. I. Cochrane
Council Determination:	Committee

### Summary

This appeal was dealt with together with the appeal against the service of an Enforcement Notice, Council reference ENF/2006/0300/CLL. Please see the summary of the appeal decision which relates to this enforcement case in part (d) of this report.

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2006/00484/FUL

L.P.A. Reference No:	2006/00484/FUL
Appeal Method:	Written Representations
Appeal Reference No:	06/1200546
Appellant:	Garry Douglas Hughes,
<b>Location:</b>	<b>4A, Park Crescent, Barry</b>
Proposal:	Conversion of above shop accommodation into two dwellings. Ground floor rear cottage with two storey extension, first/second floor two bedroom flat
Decision:	Appeal Dismissed
Date:	10 April 2007
Inspector:	Mr. I. Osborne
Council Determination:	Delegated

### Summary

The application subject of the appeal proposed to extend the property by constructing a large 'box' dormer on the rear elevation and a rear two storey extension with the extended property comprising a two bedroom 'cottage' in the rear, extended wing, and a two-bedroom flat above the existing retail shop, with extended accommodation at roof level. The Inspector considered the main issues to be: first, the effect of the proposals on the living conditions of neighbours at No. 5 Park Crescent as the result of any overbearing impact; second, their effect on the living conditions of the proposed occupiers as a result of any lack of outdoor amenity space; third, on parking conditions in the surrounding area; and fourth, on the appearance of the locality.

In dismissing the appeal, the Inspector made comments in respect of each of the following issues. His comments are summarised as follows:

- **Amenity of Neighbours'**  
The 2-storey extension would have an overbearing impact and, as a result, a harmful effect on the living conditions of neighbours out of accordance with criterion (ii) of Policy HOUS8.
- **Outdoor Amenity Space**  
The proposed amenity space would be inadequate to serve the proposed cottage. Also, as the proposed flat would have no private outdoor amenity space, this would result in unacceptable living conditions for the occupiers of this proposed dwelling, out of accordance with criterion (v) of Policy HOUS8 and in conflict with the Council's amenity space standards.
- **Car Parking**  
There is little if any off-street parking in the surrounding streets. Whilst it is accepted that there were good public transport links in the vicinity, planning conditions could not prevent to occupiers of the proposed residential units from owning motor vehicles. In conclusion, the proposals would have an unacceptable effect on parking conditions in the surrounding area, out of accordance with criterion (v) of Policy HOUS8, and in conflict with the aims of the South Wales parking guidelines.
- **Appearance of the Locality**  
The proposed second-floor rear extension would be a prominent and incongruous feature in the street scene of Glamorgan Street, out of keeping with the surrounding properties. The proposed roof lights in the front roof slope would be unattractive features in this important street frontage, contrary to criterion (i) of Policies HOUS8 and ENV27.

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2006/01316/FUL

L.P.A. Reference No:	2006/01316/FUL
Appeal Method:	Written Representations
Appeal Reference No:	07/1200666
Appellant:	Miss M. Jones
<b>Location:</b>	<b>4, Cwrt Edward, The Waterfront, Barry</b>
Proposal:	Conservatory - appeal against condition 3
Decision:	Appeal Allowed
Date:	24 April 2007
Inspector:	Ms. P. Davies
Council Determination:	Delegated

### Summary

The application subject of the appeal sought permission to build the conservatory previously granted permission by virtue of application 2006/01316/FUL, without complying with Condition No. 3 which required that the glazing adjacent to the adjoining property be installed in non opening obscure glass and retained thereafter at all times.

The Inspector allowed the appeal and varied the previous planning permission by removing the requirements of Condition No. 3. She commented that, in view of the existing solid fence along the shared boundary, which is in the ownership of the adjoining occupier, removing the disputed condition would not result in any material loss of privacy for the adjoining occupants or conflict with the objectives of Policy ENV27 of the adopted Vale of Glamorgan Unitary Development Plan or the Council's supplementary guidance on amenity standards.

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2006/01070/FUL

L.P.A. Reference No:	2006/01070/FUL
Appeal Method:	Hearing
Appeal Reference No:	06/1200654
Appellant:	Mr. G. K. Davies,
<b>Location:</b>	<b>124, Windsor Road, Penarth</b>
Proposal:	Internal alteration to provide additional flat (resubmission of application 05/01608/FUL)
Decision:	Appeal Dismissed
Date:	16 April 2007
Inspector:	Robert Gardener
Council Determination:	Delegated

## Summary

The principal of the conversion, resulting in a change from two to three flats in total, is accepted by the Council. However, the proposal subject of this appeal was refused as adequate amenity space could not be provided for the potential occupiers of the additional flat, in accordance with the Council's SPG on Amenity standards. The Inspector recognised that the rear amenity space already available to the occupants of the basement flat could be shared and the area available area would meet the Council's 20m<sup>2</sup> per person standard for all three flats. However, it would not be possible to access the amenity space by the occupants of the additional flat as previous proposals to provide the necessary staircase were met with other objections. In view of this, the Inspector considered the main issues to be whether the conversion is acceptable without provision being made for accessible private amenity space on site for the occupants of the proposed upper flat.

The appellant questioned whether the Council's SPG on Amenity standards would apply. The Inspector dismissed this argument and concluded that the SPG must be taken in the round. He considered the provision of private amenity space a basic requirement that is reflected in the Council's adopted policies and SPG, which, he said, attract considerable weight and should be followed unless other material considerations show otherwise. Whilst he recognised that future occupants may not use or wish to have the bother of maintaining private amenity space, it should, nonetheless, be provided in accordance with the Council's Policies for the benefit of future occupiers.

The Inspector accepted that the SPG standards should be operated flexibly, but in this case he felt that it had not been shown that there are any other factors which would support setting them, or the development plan policies which apply them, aside. He concluded that the proposed development was unacceptable as the upper flat would not provide for the reasonable needs of its occupants for private outside amenity space. He dismissed the appeal.

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2005/00693/FUL

L.P.A. Reference No: 2005/00693/FUL  
Appeal Method: Written Representations  
Appeal Reference No: 07/1200689  
Appellant: Ms. J. Cresswell,  
**Location: Fir Cottage, Llantwit Road, St. Athan**  
Proposal: Change of use from existing disused workshop into domestic kitchen and dining room with bedroom over  
Decision: Appeal Dismissed  
Date: 11 April 2007  
Inspector: Mr. I. Osborne  
Council Determination: Delegated

### Summary

The Inspector considered the main issue to be the effect of the proposal would have on the character and appearance of its village surroundings. He commented that, in view of the substantial width and depth of this disused workshop, as enlarged this part of the building would no longer appear subsidiary to the existing cottage. It would, therefore, have a harmful effect on the character and appearance of its village surroundings, out of accordance with Policies ENV27 and criterion (i) HOUS8 of the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011.

Whilst he appreciated that the proposal would replace the existing corrugated metal on the roof and part of the front of the workshop, he did not consider this to outweigh the harm which he identified. Consequently, the Inspector dismissed the appeal.

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2006/00919/FUL

L.P.A. Reference No: 2006/00919/FUL  
Appeal Method: Written Representations  
Appeal Reference No: 07/1200697  
Appellant: Mr. Martin Sargent,  
**Location: 20, Denbigh Way, Barry**  
Proposal: Dormer loft conversion  
Decision: Appeal Dismissed  
Date: 16 April 2007  
Inspector: Mr. C. Nield  
Council Determination: Delegated

### Summary

The proposal is for the installation of a dormer window on the rear elevation facing towards the vehicular cul-de-sac. The Inspector considered the main issue to be the effect the development would have on the character and appearance of the bungalow and the wider area.

The Inspector commented that the size and elevation of the proposed dormer would effectively change the roof shape from a pitched roof to a fiat roof and completely alter the character and appearance of the property in views from the rear vehicular access. As the Inspector considered that a consistent character is an important part of the attractive appearance of the row of bungalows within which the appeal site was located, he considered the proposed dormer would be harmful to the character and appearance of the bungalow itself and the wider area.

It was argued that similar forms of development exist within the vicinity. The Inspector relied on the Council's Policy ENV27 to dismiss this argument, and concluded that he did not find the argument convincing that poor design should be allowed just because there are similar examples in the area. The Inspector dismissed the appeal.

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2006/00436/FUL

L.P.A. Reference No:	2006/00436/FUL
Appeal Method:	Written Representations
Appeal Reference No:	07/1200728
Appellant:	Mr. and Mrs. D. Bluck,
<b>Location:</b>	<b>Garden curtilage of Tudor Lodge, Llysworney</b>
Proposal:	New detached bungalow with conservatory
Decision:	Appeal Dismissed
Date:	16 April 2007
Inspector:	Mr C. Nield
Council Determination:	Committee

## Summary

The appeal was made against the refusal to grant planning permission for the erection of a detached bungalow. The Inspector considered the main issues to be the effects of the proposal on the rural character and appearance of the area and, if that would be harmful, whether the harm would be outweighed by the family circumstances of the Appellants.

It was argued that the site does not lie in the countryside because it is within the "authorised garden curtilage" of Tudor Lodge. The Inspector settled this dispute with reference to the Vale of Glamorgan Adopted Unitary Development Plan, 1996-2011, (which supports Policy ENV1) and found the whole of Tudor Lodge and its grounds to be part of the countryside and is subject to appropriate countryside policies.

Whilst it was accepted that the bungalow would be built on the footprint of a stable building for which planning permission has previously been granted, he considered that the bungalow would have a far less utilitarian appearance than a block of stables, and would intensify the domestic use of the site. The development was considered by the Inspector to increase the visual impact of built development on the site, which would be detrimental to the rural character of the area in conflict with the Council's countryside protection Policies ENV1 and HOUS3 as well as national policy contained in Planning Policy Wales (and MIPPS 01/2006).

The appellant put forward certain personal reasons for the development. The bungalow would be occupied by his son, who suffers from cystic fibrosis. As the appellant lives in the adjoining dwelling, he would be close enough to help with his son's regular medical care and physiotherapy needs. The Inspector gave careful thought to these reasons, but did not consider the particular personal circumstances to be of sufficient weight to outweigh the substantial harm caused to the character of the area.

The appeal was, subsequently, dismissed.

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2005/01830/FUL

L.P.A. Reference No:	2005/01830/FUL
Appeal Method:	Written Representations
Appeal Reference No:	07/1200760
Appellant:	Ms. G. Sommerville & Ms. M. Davies
<b>Location:</b>	<b>12, Greenhaven Rise, Llandough, Penarth</b>
Proposal:	Retention of two storey extension to side with rear facing dormer extension
Decision:	Appeal Allowed
Date:	24 April 2007
Inspector:	Ms. P. Davies
Council Determination:	Committee

### **Summary**

The Council granted planning permission for a two storey side extension and rear dormer in 2004. The application subject of the appeal proposed alterations to the internal layout and a larger rear dormer.

The inspector took the difference between the two decisions into account when making his decision. He appreciated that the dormer proposed is a large structure, but did not think that it unduly detracts from the simple appearance of the dwelling, or the pleasant visual uniformity of the area's character. He found it not to be especially prominent and its scale is subsumed to some extent within the context of the existing built-up environment.

The Inspector also considered the concerns of nearby residents, but did not consider the effects of the development to be so serious as to have caused any unacceptable overbearing impacts. He commented that any privacy issues are not unusual in residential built-up situations and would be overcome by a requirement to fit obscure glass in the side kitchen window.

In short the Inspector found that the proposal would not cause any material harm to the character and appearance of the area or residents' living conditions, and it would comply with the objectives of Policy ENV27 of the Vale of Glamorgan Adopted Unitary Development Plan and the Council's supplementary guidance on amenity standards. He therefore, allowed the appeal.

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(d) Enforcement Appeal Decisions Received

ENF/2006/0300/CLL

L.P.A. Reference No:	ENF/2006/0300/CLL
Appeal Method:	Written Representations
Appeal Reference No:	C/06/1200547
Appellant:	Christopher Robert Brooke
<b>Location:</b>	<b>Corrwg Fach, Pendoylan</b>
Proposal:	Without the benefit of planning permission, depositing waste materials and hardcore on the land to form a new access track to Corrwg Fach Stables
Decision:	ENF appeal ALLOWED
Date:	19 April 2007
Inspector:	Mr. C. I. Cochrane
Council Determination:	Committee

### Summary

This appeal was made in respect of the service of an Enforcement Notice and the refusal of planning permission. The main grounds of appeal were that (a) planning permission ought to be granted for the development alleged in the notice and proposed in the application, (b) that the breach of control alleged in the notice has not occurred as a matter of fact, (e) that the notice was not properly served on everyone with an interest in the land, and (f) that the steps required to comply with the requirements of the notice are excessive, and lesser steps would overcome the objections. The main issue at this appeal was whether the new section of access track detracts from the character and appearance of the rural landscape.

The Ground (b) appeal failed (i.e. that the breach had not occurred) failed as it was clear to the inspector during his site visit that construction of the track had commenced.

The Ground (e) appeal failed (i.e. that the Notice was not correctly served) as the inspector considered that the fact that an appeal had been made against the Notice meant that the appellant had received the notice and had not been prejudiced by an administrative error.

The development was, however, considered by the Inspector to be reasonably necessary for the approved use of the holding and, once finished properly and landscaped, it would not have any adverse effect on the rural character or appearance of the site and the wider area of countryside surrounding the site. The development was considered to be an acceptable alteration to an existing farm track at this rural location. Hence the ground (a) appeal and the appeal against the refusal of planning permission succeeded, and planning permission was granted subject to the conditions. In view of this decision, ground (f) appeal (i.e. that the requirements of the notice were excessive) was not considered.

(e) April 2007 – March 2008 Appeal Statistics

		Determined Appeals			Appeals withdrawn /Invalid
		Dismissed *	Allowed	Total	
Planning Appeals (incl. tree appeals)	WR	4	3	7	
	H	1	-	1	
	PI	-	-	-	
Planning Total		5 (62.5%)	3 (37.5%)	8	
Enforcement Appeals	WR	-	1		
	H	-	-		
	PI	-	-		
Enforcement Total		0 (0%)	1 (100%)	1	
All Appeals	WR	4	4	8	
	H	1	-	1	
	PI	-	-	-	
Combined Total		5	4	9	

(g) List of Forthcoming Hearings and Public Inquiries

<u>Date</u>	<u>Site and Proposal/ Breach</u>
<u>19 JUNE 2007</u>	<u>HEARING - PLANNING APPEAL</u> Land adjacent to 7, Stacey Road, Dinas Powys <i>Erection of new dwelling</i>
<u>25 JULY 2007</u>	<u>HEARING - PLANNING APPEAL</u> Gwern y Gedrych Farm, Peterston Super Ely <i>Proposed extension</i>

Background Papers

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

Contact Officer – Justina M. Walsh, Tel: 01446 704690

Officers Consulted:

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