

THE VALE OF GLAMORGAN COUNCIL

PLANNING COMMITTEE: 17 JANUARY 2008

REPORT OF THE DIRECTOR OF ENVIRONMENTAL
AND ECONOMIC REGENERATION

4. APPEALS

(a) Planning Appeals Received

L.P.A. Reference No: 2006/00403/FUL
Appeal Method: Written Representations
Appeal Reference No: 07/2057420
Appellant: Mr. S. Harvey,
Location: **6, Spencer Street, Barry**
Proposal: Proposed garden store to rear garden, consisting of
ground and first floor
Start Date: 27 November 2007

L.P.A. Reference No: 2007/00600/FUL
Appeal Method: Written Representations
Appeal Reference No: 07/2061808
Appellant: Leslie D. T. Burford,
Location: **10, Illtyd Avenue, Llantwit Major**
Proposal: 3 bedroom house attached to 10, Illtyd Avenue
Start Date: 17 December 2007

L.P.A. Reference No: 2007/00743/FUL
Appeal Method: Written Representations
Appeal Reference No: 07/2061791
Appellant: Noel & Ann Thomas,
Location: **Court Farm, Llansannor**
Proposal: Construction of 3 detached houses
Start Date: 20 December 2007

Enforcement Appeals Received

None.

(b) Planning Appeal Decisions

L.P.A. Reference No: 2007/00508/FUL
Appeal Method: Written Representations
Appeal Reference No: 07/2053515
Appellant: Mr. B. & Mrs. J. M. Mantle,
Location: **52, Clive Place, Penarth**
Proposal: Proposed removal of chimney stacks
Decision: Appeal Dismissed
Date: 17 December 2007
Inspector: Mr. C. I. Cochrane
Council Determination: Committee

Summary

The conservation area is also the subject of an Article 4(2) Direction under the Town and Country Planning (General Permitted Development) Order 1995 which removes permitted development rights for householders in order to protect the character of the area. This includes the "erection, alteration or removal of a chimney on a dwellinghouse" and, accordingly, the proposed development requires planning permission.

The property is within the Penarth Conservation Area, which is subject of an article four direction restricting the removal of chimney stacks without the prior approval of the Local Planning Authority. In considering the appeal, the Inspector noted that the appeal site is part of a pair of semi-detached dwellings which are symmetrical in form, style and appearance, both having identical chimney stacks on their outside elevations. The Inspector considered the chimney stacks at each end to be an integral part of the design and architectural composition of the pair of houses. The Inspector talked much about the architectural value of the stacks and considered them to be important components of these attractive buildings.

In dismissing the appeal, he considered that the removal of the chimney stacks would seriously detract from the architectural character and appearance of the building, and significantly, it would further unbalance the composition of the pair of semi-detached houses. Consequently, the development would fail to preserve the character and appearance of the Penarth Conservation Area. He further commented that the loss of other chimney stacks in the conservation area, as described by the appellants, does not set a good precedent for allowing further such erosion of the character of the area, particularly in this prominent location in Clive Place.

L.P.A. Reference No:	2007/00483/OUT
Appeal Method:	Written Representations
Appeal Reference No:	07/2053453
Appellant:	Barratt South Wales,
Location:	Land adjacent to 71 & 73, Brookfield Avenue, Barry
Proposal:	Outline application for 4 bungalows
Decision:	Appeal Dismissed
Date:	20 December 2007
Inspector:	Mr. C. I. Cochrane
Council Determination:	Committee

Summary

The appeal site formed part of a larger area of informal public open space on the edge of a recently constructed housing estate of Pencoedtre. Whilst the appellants claim the area of the appeal site represented only a small fraction of the whole of this open space facility, the Inspector considered that the development would have a significant effect in separating the larger open area from Brookfield Avenue residents and removing the land next to the wooded stream. In consideration of the Council's Policy HOUS8, the Inspector was of the opinion that the proposed development would erode the value of the open space within the residential area. It would remove an important part of the open grassed area and a portion of the wooded banks of the stream would be lost to new development, which would urbanise this part of the open space.

He also thought that building upon this open corner of the area would also divorce the rest of the public open space from the western part of Brookfield Avenue. For these reasons, the Inspector concluded that the appeal should be dismissed.

(c) April 2007 – March 2008 Appeal Statistics

		Determined Appeals			Appeals withdrawn /Invalid
		Dismissed *	Allowed	Total	
Planning Appeals (incl. tree appeals)	WR	24	11	35	5
	H	4	1	5	1
	PI	-	-	-	-
Planning Total		28 (70%)	12 (30%)	40	6
Enforcement Appeals	WR	1	2	3	-
	H	-	-	-	-
	PI	-	-	-	-
Enforcement Total		1 (33.33%)	2 (66.67%)	3	-
All Appeals	WR	25	13	38	5
	H	4	1	5	1
	PI	-	-	-	-
Combined Total		29	14	43	6

(d) Other Matters

None.

Background Papers

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

Contact Officer:

Justina M. Walsh, Tel: 01446 704690

Officers Consulted:

None applicable.

ROB QUICK
DIRECTOR OF ENVIRONMENTAL
AND ECONOMIC REGENERATION