

THE VALE OF GLAMORGAN COUNCIL

PLANNING COMMITTEE: 17 APRIL 2008

REPORT OF THE DIRECTOR OF ENVIRONMENTAL
AND ECONOMIC REGENERATION

4. APPEALS

(a) Planning Appeals Received

L.P.A. Reference No: 2006/00505/FUL
Appeal Method: Written Representations
Appeal Reference No: 08/2068401
Appellant: Mr. & Mrs. Oliver,
Location: Glenholme Farm, Peterston-Super-Ely
Proposal: First floor games room extension
Start Date: 29 February 2008

L.P.A. Reference No: 2007/01078/FUL
Appeal Method: Written Representations
Appeal Reference No: 08/2068480
Appellant: Chris and Mary Roach,
**Location: The Barn adjacent to Glan Y Mor House, Off Heol
Las, Wick**
Proposal: Conversion and extension of redundant agricultural
barn to a dwelling including associated amenity area
Start Date: 5 March 2008

Enforcement Appeals Received

None.

(b) Planning Appeal Decisions

L.P.A. Reference No: 2007/01390/ADV
Appeal Method: Written Representations
Appeal Reference No: H/07/2061683
Appellant: Lidl UK.,
Location: Lidl, Cennin Pedr, Pencoedre Village, Barry
Proposal: 2 x Billboards: 1 x wallmounted, 1 x freestanding
Decision: Appeal Dismissed
Date: 7 March 2008
Inspector: Mr. J.T.H. Evans
Council Determination: Delegated

Summary

In dismissing the appeal, the Inspector considered the first of the billboards (attached to the store itself) to be an over-large and over-prominent structure. He considered it to represent an incongruous feature in the predominantly residential area that would be detrimental to its good degree of visual amenity.

As to the second billboard (free standing on the boundary of the site adjacent to the highway), the Inspector considered this to be over-large and an incongruous feature in this view significantly harming it and the current good level of visual amenity this area currently enjoys. He also commented that it would be a large and prominent item of large scale advertising close to the footway along Trem Y Coed and somewhat overpowering to passing pedestrians and motorists. Furthermore, the rear, blank face of the billboard, when seen from within the car park, would cause similar harm to the view of the mature woodland to its rear.

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
Decision:	Appeal Dismissed
Date:	27 February 2008
Inspector:	Ms. P. Davies
Council Determination:	Delegated

Summary

In dismissing the appeal, the Inspector commented that, notwithstanding the diversity in the form and arrangement of dwellings in the wider area generally, the appeal property is part of a distinct group of houses that derive a strong visual uniformity from their consistency in style and even set back from the road. He stated that the easily apparent building line is a particularly distinctive component of the group that stands out in the street scene. In this context, the forward siting of the proposal and its massing and scale arising from its substantial depth and width, would result in a prominent and obtrusive form of development that would harmfully disrupt the visual integrity of the group. The Inspector found this to cause unacceptable harm to the character and appearance of the street scene, contrary to Council Policy and SPG.

L.P.A. Reference No:	2007/00387/FUL
Appeal Method:	Written Representations
Appeal Reference No:	07/2058135
Appellant:	Mr. David Hitt,
Location:	29, St. Lythan Close, Dinas Powys
Proposal:	Dormer loft conversion
Decision:	Appeal Dismissed
Date:	5 March 2008
Inspector:	Ms. P. Davies
Council Determination:	Committee

Summary

In dismissing the appeal, the Inspector concluded that the proposal would be harmful to the character and appearance of the area, contrary to the objectives of Council Policy ENV27 and SPG, she found that, as the dormer extends at a fairly flat angle from the ridge height of the dwelling and across most of the rear width of the roof plane, it resulted in a development of substantial scale and bulk that relative to the modest proportions of the existing dwelling, appears disproportionate and overly dominant. She considered the use of materials to exacerbate these unacceptable effects, and found that, in this reasonably uniform context, where the roofscape of the adjoining terraces remains largely unaltered, the dormer extension is an obtrusive feature that harmfully disrupts the integrity of the terrace.

L.P.A. Reference No: 2007/00840/FUL
Appeal Method: Hearing
Appeal Reference No: 07/2058083
Appellant: Ms. Whithouse
Location: **17, Tyle House Close, Llanmaes**
Proposal: Two storey side extension
Decision: Appeal Dismissed
Date: 10 March 2008
Inspector: Mr. A. H. Vaughan
Council Determination: Delegated

Summary

The Inspector found that the development would unacceptably dominate the site and its immediate neighbour and produce a cramped development style harmful to both the character and appearance of the area, breaching Council Policy ENV27.

The Inspector took into account the submissions made regarding the personal needs of the appellant for accommodating an ageing relative in the extension, but did not consider these to overcome his objections to the scheme, particularly as planning permission had already been granted for the site that would provide the facilities at first floor level to meet the personal needs of the appellant.

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
Decision: Appeal Dismissed
Date: 17 March 2008
Inspector: Ms. Rebecca Phillips
Council Determination: Delegated

Summary

In the Inspector's opinion, a building of the height proposed, positioned mid-terrace, would represent an inappropriate form of development that would be incongruous with the more domestic scale of adjacent buildings.

He thought that the building would appear overly dominant and disproportionate in relation to its surroundings, and, by virtue of the short rear gardens and proximity to the rear elevations of neighbouring properties, the height and scale of the building would have an overbearing effect on the adjoining occupiers. For these reasons the Inspector dismissed the appeal and found that the proposal would be detrimental to the character and appearance of the surrounding area and harm the living conditions of the adjoining occupiers in conflict with Policy ENV27 of the Unitary Development Plan.

L.P.A. Reference No:	2006/01491/FUL
Appeal Method:	Hearing
Appeal Reference No:	07/2054837
Appellant:	Mr. Paul Llewellyn,
Location:	Land formerly part of Rectory Farm, Llandough
Proposal:	Agricultural dwelling - resubmission of application 05/01712/FUL
Decision:	Appeal Dismissed
Date:	27 February 2008
Inspector:	Mr. T. J. Morgan
Council Determination:	Committee

Summary

The dwelling was proposed on the grounds that it was required for an agricultural worker. The Inspector fully appraised all information submitted in support and justification of the proposed dwelling, in line with Council Policy and National Planning Guidance in the form of Policy TAN 6 – Development Involving Agricultural Land, which sets out certain tests that should be applied when considering applications for new dwellings for agricultural workers.

The first of these tests is a ‘functional’ test. In this regard, the Inspector agreed with the appellant that a worker needs to be on hand day at night when calving and lambing are taking place at the farm. However, the Inspector commented that this is only for a period of about three months of the year starting in March, as such it is possible to meet such a need by the temporary stationing of a caravan under Class A of Part 5 of Schedule 2 to the Town and Country planning (General Permitted Development Order) 1995. The Inspector considered all other functional reasons for a permanent residence at the site, including stock monitoring, security and the possible introduction of a second calving period. However, having considered the advice given in Policy TAN 6 he considered that there was not, at present, sufficient additional evidence to satisfy the functional test for a dwelling. As such he found that this factor alone was sufficient to justify a refusal of planning permission.

Having considered the accounts of the farm holding, the Inspector also found the proposal to fail the financial test, as set out in TAN 6, due to the absence of certain year’s accounts. The Inspector also considered the guidance in TAN 6 which requires that agricultural dwellings should be of a size commensurate with the established functional requirement. He found the dwelling in this case to be a substantial one that did not accord with TAN 6, particularly as the dwelling would be a second home on the enterprise and TAN 6 advises that it is the requirements of the enterprise rather than the owner or occupier which are relevant to determining the size of the dwelling.

The Inspector was also concerned with the location of the house and garage, away from the farm buildings and prominent in the landscape. Given the location in a Special Landscape Area, he considered the development would have an unacceptable effect on the character and appearance of the locality.

Finally, the Inspector bore in mind that the encouragement of the continuation of family farming in Wales as an aim of the National Assembly and the provision of suitable residential accommodation for later generations of farming families. However, he considered the present functional needs and the unproven financial test, together with the size and location of the proposed dwelling meant that the proposal could not be justified in the present circumstances and as a result there is conflict with Council Policy and national guidance.

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
 Decision: Appeal Withdrawn
 Date: 29 February 2008
 Inspector:
 Council Determination: Committee

Summary

Appeal withdrawn

(d) April 2007 – March 2008 Appeal Statistics

		Determined Appeals			Appeals withdrawn /Invalid
		Dismissed	Allowed	Total	
Planning Appeals (incl. tree appeals)	WR	29	11	40	5
	H	8	1	9	1
	PI	-	-	-	1
Planning Total		37 (76%)	12 (24%)	49	7
Enforcement Appeals	WR	2	2	4	1
	H	-	-	-	-
	PI	-	-	-	-
Enforcement Total		2 (50%)	2 (50%)	4	-
All Appeals	WR	31	13	44	6
	H	8	1	9	1
	PI	-	-	-	1
Combined Total		39	14	53	8

Background Papers

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

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Officers Consulted:

Head of Planning and Transportation

ROB QUICK

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