

THE VALE OF GLAMORGAN COUNCIL

PLANNING COMMITTEE: 19 JULY 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: Written Representations  
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: 13 June 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: 2006/00831/FUL  
Appeal Method: Written Representations  
Appeal Reference No: 07/2043024  
Appellant: A. & S. Evans,  
**Location:** **Llandow Touring Caravan Park, Llandow**  
Proposal: Deletion of condition 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 3 relating to opening hours).  
Start Date: 10 May 2007

L.P.A. Reference No: 2006/01180/FUL  
Appeal Method: Written Representations  
Appeal Reference No: 07/2044594  
Appellant: Mr. I. Yuksel,  
**Location:** **The Tuck in Cafe, 160, Barry Road, Barry**  
Proposal: Retention of use as cafe with ancillary hot food  
takeaway and proposals for fume extraction.  
Start Date: 25 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

L.P.A. Reference No: 2007/00293/FUL  
Appeal Method: Written Representations  
Appeal Reference No: 07/2045360  
Appellant: J. F. Whatling,  
**Location:** **37, Monmouth Way, Boverton, Llantwit Major**  
Proposal: Second storey extension to side of property.  
Start Date: 22 May 2007

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.  
Start Date: 31 May 2007

L.P.A. Reference No: 2006/01500/FUL  
Appeal Method: Written Representations  
Appeal Reference No: 07/2046446  
Appellant: Mrs. Whithouse,  
**Location:** **17, Tyle House Close, Llanmaes**  
Proposal: Two storey side extension  
Start Date: 5 June 2007

L.P.A. Reference No: 2006/01506/FUL  
Appeal Method: Written Representations  
Appeal Reference No: 07/2046457  
Appellant: Mr. & Mrs. D. Mills,  
**Location: Building plot adjacent to Wernlas, St. Andrews Road, Dinas Powys**  
Proposal: Construction of new three bed. detached house with ancillary parking.  
Start Date: 5 June 2007

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.  
Start Date: 14 June 2007

L.P.A. Reference No: 2006/01347/FUL  
Appeal Method: Written Representations  
Appeal Reference No: 07/2047366  
Appellant: Mr. Mark Aston,  
**Location: Pencyrn Barns, Ystradowen**  
Proposal: Conversion of two barns into dwelling and alteration of access to highway.  
Start Date: 14 June 2007

L.P.A. Reference No: 2007/00006/FUL  
Appeal Method: Written Representations  
Appeal Reference No: 07/2048620  
Appellant: Mr. S. J. Richardson  
**Location: Land adjacent to Lyndhurst and Amberley houses, Llantwit Road, Wick**  
Proposal: New house within the residential curtilage in accordance with the permission for development dated November 1985 ref 85/0975(OGWR).  
Start Date: 25 June 2007

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(b) Enforcement Appeals Received

L.P.A. Reference No: ENF/2006/0337/PC  
Appeal Method: Written Representations  
Appeal Reference No: C/07/1201606  
Appellant: Joyce Rendall,  
**Location: 48, Redbrink Crescent, Barry Island**  
Proposal: The construction without planning permission of a two storey extension and the provision of a box dormer window, to the rear of the building known as 48 Redbrink Crescent.  
Start Date: 7 June 2007

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(c) Planning Appeal Decisions

2006/01196/HH

L.P.A. Reference No: 2006/01196/HH  
Appeal Method: Written Representations  
Appeal Reference No: X/06/514905  
Appellant: Mr. Paul Hamilton,  
**Location: 32, Sherbourne Close, Barry**  
Proposal: High hedge  
Decision: Appeal Allowed  
Date: 25 May 2007  
Inspector: Mr. B. Barnes  
Council Determination: Delegated

**Summary**

The Inspector considered the main issue to be whether the high hedge (HH) is adversely affecting the Complainant's reasonable enjoyment of his property thereby justifying the remedial action required by the Remedial Notice (RN). The Inspector considered the matter as set out in High Hedges Complaints System: Guidance (HHG) issued by the Welsh Assembly Government in November 2005. He also carried out the necessary high hedge calculation set out in the guidance: Hedge height and light loss (HHLL), published by the Building Research Establishment and revised in October 2005.

The main concern was that the HH in question limits the amount of light in the kitchen of the Complainant's house, especially during the winter months. The inspector found that the HH does not result in such a light loss to this window as to adversely affect the Complainant's reasonable enjoyment. He also found that the Council had misinterpreted the guidance and the calculation set out in HHLL. The Inspector carried out his own calculations, the results of which supported his overall assessment at the site visit that the HH at its current height of 5.2m cannot be regarded as having such an adverse affect on the Complainant's reasonable enjoyment of his garden that it justifies taking the remedial action specified in the RN. Consequently, the Inspector upheld the appeal and quashed the Remedial Notice.

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ENF/2005/0131/E

L.P.A. Reference No: ENF/2005/0131/EENF/2005/0131/E  
Appeal Method: Written Representations  
Appeal Reference No: C/06/1200565  
Appellant: Trudy Waters,  
**Location: Redwood Lodge, Llysworney**  
Proposal: Without the benefit of planning permission, erecting a fence that exceeds 1m in height adjacent to a highway that is used by vehicular traffic  
Decision: Split Decision - UPHELD - see file  
Date: 4 June 2007  
Inspector: Mr. T. J. Morgan  
Council Determination: Committee

## Summary

The appeal was made against the service of an Enforcement Notice issued by Council on 16 November 2006. The breach of planning control as alleged in the notice is without the benefit of planning permission, erecting a fence that exceeds 1m in height adjacent to a highway that is used by vehicular traffic. The Notice required that part of the fence, the section to the front of the property, shall either be removed from the site or reduced to a height of no greater than 1 m when measured from the level of the adjoining road. The Notice also required that the remainder of the fence be stained dark brown or an alternative colour which shall have first been agreed in writing with the Local planning Authority. The period for compliance with the requirements is 8 weeks for requirement (i) and 12 weeks for requirement (ii).

This Enforcement Appeal was made under ground (f) and so the only matter considered is whether the steps required by the Notice to be taken, exceed what is necessary to remedy any breach of planning control or, as the case may be, to remedy any injury to amenity which has been caused by any such breach.

The Inspector found that the reduction in overall height of the fence to the front boundary of the property would reduce its visual impact and remedy the injury to amenity. He did not consider this is excessive and did not think that any lesser steps would effectively remedy the injury to amenity. He therefore, concluded that the first step in the requirements of the Notice must remain.

With regard to the requirement to stain the remainder of the fence the inspector noted that the fence has already stained in a colour he considered to be appropriate and which effectively removes the injury to amenity that would have been caused by an untreated timber fence. He therefore considered the second requirement necessary and amended the Notice accordingly, prior to upholding it. The appeal under ground (f) succeeds to that extent.

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2006/01172/FUL

L.P.A. Reference No:	2006/01172/FUL
Appeal Method:	Written Representations
Appeal Reference No:	07/1200907
Appellant:	Mr. S. Wilkins,
<b>Location:</b>	<b>Garage area, side of 56, Court Road, Barry</b>
Proposal:	Change of garage use into a lock up shop for hairdressing
Decision:	Appeal Allowed
Date:	4 June 2007
Inspector:	Ms. P. Davies
Council Determination:	Delegated

## Summary

In allowing the appeal, and granting planning permission for the change of use, the Inspector found that the proposed shopfront to be discreet and did not find the proposal to cause harm to the context of the surrounding mix of residential and commercial uses.

In view of the restrictions for non-resident parking, the Inspector did not envisage any significant problems of on-street parking or congestion. In short he concluded that the proposal would be assimilated comfortably with its surroundings without material harm to the residential character of the area, highway safety or the general amenities of residents, and would, therefore, comply with the objectives of Council policy.

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2006/01075/FUL

L.P.A. Reference No: 2006/01075/FUL  
Appeal Method: Written Representations  
Appeal Reference No: 07/1200968  
Appellant: Mr. G. Crandon,  
**Location: Land adjacent to Llangan Primary School, Llangan**  
Proposal: Proposed conversion of redundant stables to offices and associated works.  
Decision: Appeal Allowed  
Date: 4 June 2007  
Inspector: Ms. P. Davies  
Council Determination: Committee

### Summary

The Inspector found that the principal of the development was in line with Council policy, national planning guidance, and the Council's supplementary planning guidance which encourages the re-use or adaptation of existing rural buildings in the countryside.

The Inspector considered the impact the development would have on the external appearance of the site and the visual impact this would have on the area.

The Inspector also made reference to the Council's SPG on 'Conversion of Rural Buildings', which advises that safe vehicular access and satisfactory parking provision should be provided without any detrimental impact on the appearance of the countryside or the rural setting of the building. Overall, he considered that the treatment of the outside curtilage would be simple and unobtrusive, and that the proposed conversion would be achieved without material harm to the character or appearance of the rural area, or conflict with the objectives of the relevant planning policies that he identified.

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2006/00124/FUL

L.P.A. Reference No: 2006/00124/FUL  
Appeal Method: Written Representations  
Appeal Reference No: 07/1200983  
Appellant: E. R. & D. L. Jenkins,  
**Location: Land at Trehill, St. Nicholas**  
Proposal: Two detached residences  
Decision: Appeal Allowed  
Date: 11 June 2007  
Inspector: Mr. P. G. Horridge  
Council Determination: Committee

## Summary

The Inspector considered the main issue to be the effects of the proposal on the character and appearance of the area, having particular regard to the location of part of the site within the St. Nicholas Conservation Area, and on highway safety.

The Inspector gave considerable thought to the character of the surrounding built environment and the position and setting of the surrounding properties and considered that the proposal did not represent an overdevelopment of the site, and there would be no conflict with Council policy. He thought the development would at least preserve the character of the conservation area, and in some respects may even enhance its appearance.

As for the access to the site, the Inspector thought that some care would be needed to be exercised in relation to visibility splays, but he was satisfied that highway safety would not be compromised by a slight increase in traffic using the junction or the private drive.

Consequently, the Inspector allowed the appeal, subject to conditions relating to permitted development rights for extensions, windows, drainage and highway safety.

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2006/01735/FUL

L.P.A. Reference No:	2006/01735/FUL
Appeal Method:	Written Representations
Appeal Reference No:	07/1201009
Appellant:	Mr. & Mrs. Baston,
<b>Location:</b>	<b>13, Britway Road, Dinas Powys</b>
Proposal:	Side extension
Decision:	Appeal Dismissed
Date:	12 June 2007
Inspector:	Mr. P. G. Horridge
Council Determination:	Delegated

## Summary

The Inspector considered the main issue to be the effect of the proposal on the character and appearance of the locality, having particular regard to its location within the Dinas Powys Conservation Area.

The Inspector found that, although such details as the position, materials and fenestration of the proposed extension were in keeping with the existing dwelling and conservation area, other features marred the overall effect. He determined that this, in combination with the unbalancing effect of a side extension to a pair of otherwise largely matching semi-detached houses, would diminish the quality of the local environment and fail to preserve or enhance the character or appearance of the streetscene and the wider conservation area. Consequently, the Inspector dismissed the appeal.

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2005/01501/FUL

L.P.A. Reference No: 2005/01501/FUL  
Appeal Method: Written Representations  
Appeal Reference No: 07/1201055  
Appellant: Mr. K. G. Broad,  
**Location: Building to the rear of Broadacres, Cog Road, Sully**  
Proposal: Continued use as dwelling  
Decision: Appeal Dismissed  
Date: 13 June 2007  
Inspector: Mr. D. Sheers  
Council Determination: Committee

### Summary

The building subject of this appeal is an outbuilding erected without the benefit of planning permission within the domestic curtilage of Broadacres. In dismissing the appeal, the Inspector found that the appeal dwelling constitutes an unacceptable form of rounding-off of the settlement and, accordingly, its retention would conflict with those provisions of the development plan that seek to protect the rural areas around settlements and to prevent urban sprawl.

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2006/00143/FUL

L.P.A. Reference No: 2006/00143/FUL  
Appeal Method: Written Representations  
Appeal Reference No: 07/1201101  
Appellant: Mr. P. Khehra,  
**Location: Land at Twyn yr Odyn, Wenvoe**  
Proposal: Erection of stables (horses)  
Decision: Appeal Dismissed  
Date: 25 June 2007  
Inspector: Mr. D. Sheers  
Council Determination: Committee

### Summary

The Inspector considered the main matters of concern to be whether a safe access to the site can be provided and the effect the proposed access would be likely to have on the visual character of the landscape area.

In dismissing the appeal, the Inspector's comments were mainly in respect of the access to the site. He found the access to be in a potentially hazardous location and detrimental to road safety. To improve the access considerable works would be required to provide an adequate visibility splay, involving the removal of a significant length of bank and hedge. He found these works to be detrimental to the attractive rural character of the area.

He acknowledged certain matters were in dispute with regard to the blocking of the original access to the land and the ownership of the land adjoining the site, but concluded that until such matters were resolved, it would not be appropriate to construct an entirely new access to the land in the proposed location.

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2006/00701/FUL

L.P.A. Reference No:

2006/00701/FUL

Appeal Method:

Written Representations

Appeal Reference No:

07/1201168

Appellant:

Michael Lewis,

**Location:**

**Meadow View, Crossways, Cowbridge**

Proposal:

New building for the storage of machines and equipment associated with the adjacent vineyard and food produce business.

Decision:

Appeal Allowed

Date:

26 June 2007

Inspector:

Mr. Richard Poppleton

Council Determination:

Delegated

## Summary

The Inspector considered the main issue to relate to the effect of the proposal upon the character and appearance of the area. The inspector found that the building would have a visual and functional link with the existing dwelling in the same way as found on many farmsteads. Moreover, it would be visually associated with the existing structures and buildings to the east. This grouping would also reflect the advice in paragraph B15 of TAN6 and avoid establishing new built forms on existing open farmland. He considered that the impact upon the character and appearance of the countryside would be limited and not unduly harmful and concluded that the objectives expressed through Policy EMP8 would thus be met. The Inspector, therefore, allowed the appeal and consequently granted planning permission subject to conditions.

### (e) April 2007 – March 2008 Appeal Statistics

		Determined Appeals			Appeals withdrawn /Invalid
		Dismissed *	Allowed	Total	
Planning Appeals (incl. tree appeals)	WR	9	7	16	2
	H	1	-	1	
	PI	-	-	-	
<b>Planning Total</b>		10 (58.82%)	7 (41.18%)	<b>17</b>	
Enforcement Appeals	WR	1	2		
	H	-	-		
	PI	-	-		
<b>Enforcement Total</b>		1 (33.33%)	2 (66.67%)	<b>3</b>	
All Appeals	WR	10	9	19	2
	H	1	-	1	
	PI	-	-	-	
<b>Combined Total</b>		11	9	<b>20</b>	2

(g) List of Forthcoming Hearings and Public Inquiries

**Date**

**Site and Proposal/ Breach**

**25 JULY 2007**

**HEARING - PLANNING APPEAL**

Gwern y Gedrych Farm, Peterston Super Ely

*Proposed extension*

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

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