

THE VALE OF GLAMORGAN COUNCIL

PLANNING COMMITTEE : 21 FEBRUARY 2008

REPORT OF THE DIRECTOR OF ENVIRONMENTAL
AND ECONOMIC REGENERATION

4. APPEALS

(a) Planning Appeals Received

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
Start Date: 28 December 2007

L.P.A. Reference No: 2007/00547/FUL
Appeal Method: Written Representations
Appeal Reference No: 07/2062252
Appellant: Mr. & Mrs. Rob Sciubba,
Location: Land adjacent to Church Farm (Ashwood House), Ystradowen
Proposal: Erection of a dwelling house complete with a detached garage/store - amendments to permission 06/00173/FUL.
Start Date: 3 January 2008

L.P.A. Reference No: 2007/00959/FUL
Appeal Method: Written Representations
Appeal Reference No: 08/2063053
Appellant: Miss. S. Poole,
Location: 85, Port Road East, Barry
Proposal: Proposed two storey extension to side of existing dwelling
Start Date: 9 January 2008

L.P.A. Reference No: 2007/00753/FUL
Appeal Method: Written Representations
Appeal Reference No: 08/2063400
Appellant: Mr. David Morgan,
Location: Redundant farm building at Village Farm, Marcross
Proposal: Conversion of redundant farm building into dwelling
Start Date: 15 January 2008

L.P.A. Reference No: 2007/00309/FUL
Appeal Method: Written Representations
Appeal Reference No: 08/2063446
Appellant: Mrs. J. Rendell,
Location: **Crows Nest, 48, Redbrink Crescent, Barry Island**
Proposal: Retention of extension with modifications as identified on plans i.e. cut back at first floor level and provision of window alcove (appeal against conditions of planning permission)
Start Date: 15 January 2008

L.P.A. Reference No: 2007/01348/FUL
Appeal Method: Hearing
Appeal Reference No: 08/2063700
Appellant: Nomolos Limited,
Location: **Hillcrest, Off Gileston Road, St. Athan**
Proposal: Two dwellings
Start Date: 16 January 2008

L.P.A. Reference No: 2007/00273/FUL
Appeal Method: Written Representations
Appeal Reference No: 08/2065080
Appellant: Mr. M. J. P. Board,
Location: **Rear garden of Moorlands House, Penllyn**
Proposal: Construction of a two storey outbuilding to provide a workshop, garden store, gymnasium and office as ancillary accommodation to the main dwelling
Start Date: 29 January 2008

L.P.A. Reference No: 2007/01056/FUL
Appeal Method: Written Representations
Appeal Reference No: 08/2065060
Appellant: Mr. & Mrs. D. Griffiths,
Location: **Wallace Fach Cottage, Wick Road, Ewenny**
Proposal: Alter existing garage roof to accommodate an internal studio/work room. Remove and rebuild garden store.
Start Date: 29 January 2008

Enforcement Appeals Received

None.

(b) Planning Appeal Decisions

L.P.A. Reference No: 2007/00253/FUL
Appeal Method: Hearing
Appeal Reference No: 07/2053273
Appellant: Mr Guy Jones,
Location: Great House Farm, Llandough
Proposal: Barn conversion to single residential dwelling
Decision: Appeal Dismissed
Date: 9 January 2008
Inspector: Mr. Hywel Jones
Council Determination: Delegated

Summary

The Inspector concluded that the stone built element of the appeal building is an attractive and historically valuable structure which is worthy of retention. He also concluded that, subject to its sensitive enclosure, the creation of a domestic curtilage to serve the proposed dwelling would not unacceptably erode the rural character of the area, even when viewed from the adjacent public footpath. He did, however, object to the development as the scheme proposes the replacement of an unsightly forward projection with a similar-sized extension. He considered that this addition, which would account for about a quarter of the ground floor area of the envisaged dwelling, would be over large, contrary to the Council's policy and which would not be justified as a trade-off for an existing substandard structure which, itself, is unsuitable for conversion. Moreover, its size and location, exacerbated by its elevated position above a ground level that slopes away from the retained element of the building, would mean that it would be an unduly prominent feature that would seriously detract from the simple, traditional appearance of the original barn. As such, the Inspector found the scheme would conflict with the aims of Policy ENV8.

In addition to this, the site's distance from the nearest local centre and the absence of public transport means that future occupiers are likely to be car dependent for most day-to-services, contrary to the aim of Strategic Policies 2 and 8 of the Unitary Development Plan (UDP) and the Council's Supplementary Planning Guidance, Sustainable Development. This, the Inspector felt, reinforced his findings that, on the main issue, the scheme conflicts with the Council's strategy on new housing in the countryside.

L.P.A. Reference No: 2006/01124/FUL
Appeal Method: Hearing
Appeal Reference No: 07/2052758
Appellant: Mr. C. Edwards,
Location: Land adjacent to Ty Maen Farm, Colwinston
Proposal: Construction of two dwellings
Decision: Appeal Dismissed
Date: 28 January 2008
Inspector: Mr. Hywel Jones
Council Determination: Delegated

Summary

The application subject of the appeal proposed the erection of two detached dwellings in the Colwinston Conservation Area.

The Inspector considered the main issues to be the effect of the proposed development would have on the character and appearance of the Conservation Area and whether the scheme would provide reasonable living conditions for prospective occupiers in terms of outdoor amenity space.

The Inspector agreed with the Council that the location of the appeal site is an important and sensitive part of the Conservation Area. He found the proposed development to be bulkier than the vernacular style of the nearby houses and the use of contemporary design features in the proposal would result in an appearance at odds with the essential rural simplicity of nearby dwellings. He found the development to be harmful to the traditional character of this part of the Conservation Area. The Inspector also thought that the necessary removal of the stone wall to the front of the site would represent a significant loss of an important feature of the area. As such, the Inspector concluded that the scheme would harm the character and appearance of the Colwinston Conservation Area, in conflict with Policies ENV17, ENV20, ENV27 and HOUS8 of the UDP and the Council's Supplementary Planning Guidance.

With regard to the issue of amenity space to serve the properties, the Inspector found that, whilst the size of these areas would fall appreciably short of that set out in the Council's Supplementary Planning Guidance he found that within historically sensitive locations there is a particular need to apply such standards flexibly. In view of this, the pleasant aspect over open fields that would be enjoyed by users of these gardens, and in the context of the site's attractive village setting, he concluded that the proposed development would not lead to unacceptable living conditions for future occupiers

L.P.A. Reference No:	2007/01032/FUL
Appeal Method:	Written Representations
Appeal Reference No:	07/2055895
Appellant:	Mr. Roger Kingdom,
Location:	42, Coleridge Avenue, Penarth
Proposal:	Extension to porch to provide downstairs toilet facilities
Decision:	Appeal Dismissed
Date:	24 January 2008
Inspector:	Mr. P. G. Horridge
Council Determination:	Delegated

Summary

In dismissing the appeal, the Inspector found the proposed extension to exhibit a number of features that in combination would make it stand out as incongruous. In particular its box-like shape with unsympathetic flat roof, the extent of the projection and the choice of fenestration. Overall, he found that it would appear as a discordant element which fails to harmonise with the appearance of the main house and would harm the appearance of the street scene, contrary to Policy ENV27 of the Unitary Development Plan.

L.P.A. Reference No: 2007/00437/FUL
Appeal Method: Written Representations
Appeal Reference No: 07/2055771
Appellant: Mr. David Edwards,
Location: **Hafod Lodge, Hensol**
Proposal: Conversion of existing garage into holiday accommodation for the disabled
Decision: Appeal Dismissed
Date: 28 January 2008
Inspector: Mr. P. G. Horridge
Council Determination: Delegated

Summary

Whilst the application subject of the appeal proposed the change of use of the existing garage to holiday accommodation, as the building erected on site differed somewhat to the scheme of development approved in 2004 for the erection of the building, the Inspector agreed with the Council that these differences were so significant that the proposal should be regarded as the erection of a new building for use as self-catering holiday accommodation for the disabled, and not simply as a change of use. He, therefore, felt the main issue to be the effect of the proposal on the character and appearance of the area, having regard to local policies for development in the countryside.

As there is no mention in the Council Policy ENV1 of the UDP of tourist accommodation being one of the acceptable forms of new-build development outside of the defined settlement boundary, the Inspector found that the proposal would not accord with the council's policies for new buildings in the countryside. Furthermore, he found that the size and isolation from the existing buildings on the site would result in it being a visual intrusion into the rural character of the area, which is designated as a Special Landscape Area in the Unitary Development Plan (UDP). In these respects, he concluded that the development would be contrary to relevant UDP policies, notably Policies HOUS3, EIW1, ENV4 and ENV27(i).

Whilst the appellant attempted to justify the development on the grounds of providing additional accommodation at an existing tourist facility to meet a need for accommodation for disabled people, as supported in Planning Policy Wales, the Inspector found the evidence on need to be limited and anecdotal. Moreover, the internal layout shown on the plans displays some limitations to its use for disabled accommodation. As such, he did not consider that these factors sufficient to outweigh the conflict with local policies relating to new building in the countryside and the harm to the rural character and appearance of the area.

L.P.A. Reference No: 2007/00626/FUL
Appeal Method: Written Representations
Appeal Reference No: 07/2051908
Appellant: Mark Harvey,
Location: **24, Beryl Road, Barry**
Proposal: Dormer on attic conversion
Decision: Appeal Dismissed
Date: 24 January 2008
Inspector: Mr. P. G. Horridge
Council Determination: Delegated

Summary

In dismissing the appeal, the Inspector found that the proposed side dormer would introduce an incongruous feature harmful to the appearance of the property and the street scene of Beryl Road, contrary to the provisions of Policy ENV27 of the Unitary Development Plan. The Inspector considered the physical difficulties imposed by the restricted headroom of the attic bedroom and the financial difficulties that inhibit one alternative solution of moving to a house with additional space. Whilst he was sympathetic to these problems, he concluded that the personal circumstances do not outweigh the permanent harm that would be caused in this case.

(c) Enforcement Appeal Decisions

L.P.A. Reference No:	ENF/2002/0415/EENF/2002/0415/E
Appeal Method:	Written Representations
Appeal Reference No:	C/07/1201968
Appellant:	Mr. K. G. Broad
Location:	Land to the side and rear of Broadacres, Cog Road, Sully
Proposal:	Without the benefit of planning permission, erect a detached dwelling house
Decision:	Appeal Dismissed
Date:	9 January 2008
Inspector:	Robert Gardener
Council Determination:	Committee

Summary

The appeal was made in respect of an Enforcement Notice relating to the erection of a dwelling house within the curtilage of Broadacres, Cog Road, Sully, without the benefit of planning permission. Planning permission was refused by the Council for the retention of the dwelling and an appeal against this decision was subsequently dismissed, upholding the Council's decision. The Enforcement Notice was served requiring the removal of the dwelling, following this appeal decision.

The appeal against the Enforcement Notice was made on two grounds. The first, (ground a) that planning permission ought to be granted, not for the retention of the dwelling, but for the retention of the building as an outbuilding in association with dwelling at Broadacres. The second, (ground f) that the step required in the Notice, i.e. the removal of the building in its entirety, far exceed that which is necessary to remedy the harm caused by the breach.

With regard to the ground (a) appeal, the Inspector noted that the breach alleged in the Enforcement Notice was 'the erection of a dwelling house', whilst the deemed application for planning permission now sought the retention of a domestic outbuilding. In dismissing the ground (a) appeal, the Inspector stated that he did not have any powers under the Town and Country Planning Act 1990 to consider a deemed application for planning permission for a development that is not described in the Enforcement Notice. He could not, therefore, consider the merits of the development proposed for retention as a domestic outbuilding.

In his appeal under ground f the appellant held that the harm caused by the unauthorised erection of a dwelling house could be overcome by simply requiring that the use of the building as a dwelling house cease, rather than requiring the total demolition of the building, thus allowing the retention of the building as a domestic outbuilding.

The Inspector found that, whilst requiring the cessation of the use of the building as a dwelling house may overcome issues such as the residential amenity of the area and the adequacy or otherwise of the access to the site, the building would still appear as the dwelling house that it was designed and constructed to be so, and that its impact on the area, already found to be unacceptable in the previous appeal, would be little changed, if at all. He concluded by saying that ‘the notice requires no more than is needed to remedy the injury and restore the land to its former condition and is not excessive for those purposes’.

L.P.A. Reference No: ENF/2006/0233/PROENF/2006/0233/PRO
 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

Decision: Appeal Withdrawn
 Date: 22 January 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	25	11	36	5
	H	6	1	7	1
	PI	-	-	-	-
Planning Total		31 (72%)	12 (28%)	43	6
Enforcement Appeals	WR	2	2	4	1
	H	-	-	-	-
	PI	-	-	-	-
Enforcement Total		2 (50%)	2 (50%)	5	-
All Appeals	WR	27	13	40	5
	H	6	1	7	1
	PI	-	-	-	-
Combined Total		33	14	47	6

(e) 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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