

THE VALE OF GLAMORGAN COUNCIL

PLANNING COMMITTEE: 18TH OCTOBER, 2006

REPORT OF THE DIRECTOR OF ENVIRONMENTAL
AND ECONOMIC REGENERATION

4. APPEALS

(a) Planning Appeals Received

L.P.A. Reference No: 2005/01931/FUL
Appeal Method: Public Local Inquiry
Appeal Reference No: 06/1199687
Appellant: Mr. J.F. Bower,
Location: Greenfields, Castle Hill, Llanblethian, Cowbridge
Proposal: Refurbishment of existing dwelling and construction of
new detached dwelling
Start Date: 27 September 2006

(b) Enforcement Appeals Received

None received during reporting period

(c) Planning Appeal Decisions

L.P.A. Reference No: 2006/00088/FUL
Appeal Method: Written Representations
Appeal Reference No: 06/1198582
Appellant: Rhidian Llewellyn
Location: Land at Caercady, Welsh St. Donats
Proposal: Improvements to existing access and retention of
constructed driveway
Decision: Appeal Dismissed
Date: 18 September 2006
Inspector: Robert Gardener
Council Determination: Delegated

Summary

See summary for joint Enforcement appeal.

L.P.A. Reference No: 2005/01679/FUL
Appeal Method: Written Representations
Appeal Reference No: 06/1199118
Appellant: Capus
Location: 8/9, Glebe Street, Penarth
Proposal: Three storey rear extension to provide 3 No. additional flats.
Decision: Appeal Dismissed
Date: 21 September 2006
Inspector: Ms. P. Davies
Council Determination: Delegated

Summary

Relative to the modest 2-storey terrace in which it is situated, the height of the proposed rear extension, especially its projection above the existing ridge line, was considered to result in a visually discordant form of development visible in long range views along Glebe Street.

Moreover, she considered that the massing of the proposal, which would be reflected in its height, the substantial site coverage and its proximity to the boundaries, would also be overly dominant in a visual sense. In the context of the traditional buildings that make up much of the character and appearance of the Conservation Area, the substantially glazed rear elevation with balconies and larch wood cladding was also considered to be strongly out of place.

In her opinion, the overall impression of the proposal would be of a large modern building crammed into a confined space in a way that would be overwhelmingly out of scale and character with its surroundings. In this prominent location, close to a junction and in a busy vibrant shopping street, these unacceptable effects would be readily apparent. The proposal would therefore be harmful to the character and appearance of the area and it would fail to preserve or enhance the character or appearance of the Conservation Area.

She did not consider the privacy of residents living on Ludlow Street would be materially affected by the proposal. However, the height and proximity of the rear extension to the adjoining property was considered to result in a severely oppressive and unneighbourly form of development. Furthermore, the very limited space for basic amenities such as clothes drying, refuse storage and outdoor relaxation would result in cramped and unsatisfactory living conditions for the future occupiers of the development.

In looking at highway matters, she also considered that, despite its sustainable location close to shops and facilities, the proposal would significantly add to the existing high demand for on-street parking in the locality. On occasion, she stated, this might lead to a propensity to park close to junctions or in other restricted areas. All of this would be harmful to highway safety, such that it reflected the unacceptable scale of the proposal.

Comments

Given the substantial scale and massing of the proposals, this is not an unexpected decision. It does, however, illustrate the importance of ensuring that any development, particularly in such a prominent conservation area location, respect the scale and character of nearby development. The conclusions in respect of parking are also notable.

L.P.A. Reference No:	2005/01031/FUL
Appeal Method:	Written Representations
Appeal Reference No:	06/1199120
Appellant:	Mr. S. J. Black
Location:	Former Bird Farm, Port Road, Nurston, Rhoose
Proposal:	Change of use from joinery workshop to a holiday cottage
Decision:	Appeal Allowed
Date:	21 September 2006
Inspector:	Ms. P. Davies
Council Determination:	Committee

Summary

The inspector noted that the proposal would involve very little alteration to the appeal building which, as well as being of modern domestic appearance, has a close relationship to the adjacent dwelling and bed and breakfast establishment.

Although she had regard to the previous appeal decision – which dismissed a proposal for a dwelling - she considered a small holiday cottage with its transient occupiers would be unlikely to generate the same level of domestic paraphernalia as a dwelling. The impact of the proposal on the character and appearance of the surrounding countryside would not therefore be significant. Whilst the curtilage of the appeal site is large, she noted that no built development is shown for this area and that any material change to its appearance or use would be subject to planning control.

In terms of loss of the existing employment use, she saw that, whilst no justification for the potential loss of employment had been given, national policy recognises that tourism can make a major contribution to the economy. In this respect, unlike the previous appeal for a dwelling, the proposal would have some economic benefit especially as it would complement an existing bed and breakfast business. She did not therefore consider that the proposal would be fundamentally at odds with planning policies relating to the countryside or the rural economy.

Comments

Given the previous appeal decision which dismissed a proposal for a dwelling on the site, this decision for a similar form of development is unfortunate.

(d) Enforcement Appeal Decisions Received

L.P.A. Reference No:	ENF/2005/0339/E
Appeal Method:	Written Representations
Appeal Reference No:	C/05/1191503
Appellant:	Mr. Rhidian Llewellyn,
Location:	Rear of Caer Cady House, Welsh St. Donats
Proposal:	Without the benefit of planning permission, the construction of an access road from the Maendy to Welsh St. Donats Road.
Decision:	ENF appeal DISMISSED
Date:	18 September 2006
Inspector:	Robert Gardener

Summary

This summary covers the joint planning and enforcement appeals, the issues for which were effectively the same., these being, first, the impact of the driveway and access on the rural character and appearance of the area and, second, the implications of the use of it for highway safety.

On the first issue, the Inspector noted that the entrance is highly visible at the junction as is the first, concreted, section of the access road before it turns northwards towards the house. This he considered was a hard, uncharacteristic finish, open to view, which detracts from the appearance of this frontage. Moreover, while this section continues to serve adjoining pasture land, its principal purpose was clearly to provide access to Caercady.

Although not widely open to public view, that did not make it acceptable. Instead, the Inspector considered the effect of the access road has been to extend the residential character and setting of the house considerably outside its previously recognisable boundaries and onto agricultural land. This has harmed the rural aspect of the locality and is in conflict with countryside policy objectives.

On highway matters, the Inspector acknowledged some of the appellants' concerns with the previous access, but these were not considered to be such that it demanded the scale of response which the access road represents. In this respect, the new access entrance in its present form was considered unacceptable for a number of reasons.

He noted there is extremely limited visibility to and from the entrance for emerging drivers and those on the rural roads, which is worsened by the vertical alignment of Watery Lane. Moreover, a further major concern was that the position of the entrance obliges drivers to emerge directly onto a corner of the junction with a classified road or cut across it to enter the driveway when approaching from the east. He concluded that the fact that it is a longstanding field entrance neither means that it is fit even for that purpose nor, more pertinently, that it is safe to be used to now serve the house. Moreover, he concluded that "if the intention of the new access to the house was to overcome perceived problems with the original access it was misconceived, misjudged and has created a worse situation".

The joint planning appeal sought to overcome such concerns, but the inspector considered its intrinsic shortcomings would not be overcome to an adequate degree and it would continue to create an unacceptably hazardous highway situation.

Ground (f) Appeal

The Inspector considered the retention of the concrete area would make the use of this dangerous entrance more likely, while stating that the tarmac road (to the house) should not remain since its removal is required to overcome the breach of planning control which has occurred. The appeal on ground (f) thus failed.

Ground (g) Appeal

The appellant asked for 6 months rather than the 8 weeks specified because of the need to re-establish alternative access to the house and to submit and obtain planning permission for whatever option is chosen. The Inspector considered, however, that whether alterations are desirable or not, they are not necessary for the original access to be brought back into use, should it be necessary to drive to the front door of the house. In that regard, he noted there is another vehicular access, which has not been affected and is available.

For safety reasons, he concluded that the residential use of the unauthorised access road should be curtailed as soon as possible, and since the case made did not suggest that the period allowed is insufficient for the specified works to take place, he did not vary its terms. The appeal on ground (g) thus also failed.

Comments

Given the harm caused by the access, both in visual terms and on highway safety grounds, the successful outcome of these two appeals is significant, as is the fact that the Inspector has accepted that the harm requires remedying as a matter of urgency within the 8 weeks specified in the notice.

L.P.A. Reference No:	ENF/2004/0597/M
Appeal Method:	Written Representations
Appeal Reference No:	06/1198571
Appellant:	Peter & Karen Lansdown
Location:	12, Four Acre, Llantwit Major
Proposal:	Without the benefit of planning permission, construct a rear facing dormer window extension of a size, massing and scale that is significantly at variance and therefore contrary to that shown on the approved plans of planning permission reference 00/00764/FUL issued on the 4 August 2000
Decision:	ENF appeal DISMISSED
Date:	29 September 2006
Inspector:	Mr. T. J. Morgan

Summary

The main issue concerned the effect of the dormer window on the character and appearance of the parent building and the locality.

The Inspector noted that the rear dormer occupies almost the whole of the roof plane of the semi-detached house and, as a result, it appears as a dominating feature, out of scale with the parent building. Given that there were no rear dormers in the other houses on this side of the street or those backing onto the property, he considered that this accentuates the discordance of the dormer and emphasises that it is out of character with its surroundings.

Although appreciating that a previously permitted dormer would be visible from similar viewpoints, being inset and occupying less of the roof plane he considered that would have far less impact on the character and appearance of the locality than the present dormer.

He was thus convinced that the dormer has such a detrimental visual impact in terms of the house itself and on its setting that it does not reach the standard of design that Policy ENV27 of the UDP seeks to achieve or the objectives of promoting good design in Technical Advice Note 12: Design.

In terms of the appeal under ground (f), the Council accepted that the appellant should have the option of restoring the roof to its original condition. The Inspector agreed that this would also remedy the breach of planning control and should be included as an option in the requirements as to deny the option to do this would be excessive.

The Inspector accepted that the specified period of 120 days may not be sufficiently long to carry out the works bearing in mind the period to comply would run into a time of the year when weather could constrain work. He thus considered a reasonable period for compliance with the requirements of the notice would be 180 days.

Comments

This is another excellent example of the Council's rigorous enforcement action against unauthorised increases in the size of dormers being upheld at appeal, all of which only serves to demonstrate the strength of the Council's enforcement function.

(e) April 2006 – March 2007 Appeal Statistics

		Determined Appeals			Appeals withdrawn /Invalid
		Dismissed *	Allowed	Total	
Planning Appeals (incl. tree appeals)	WR	23	5	28	2
	H	-	2	2	1
	PI	-	-	-	1
Planning Total		23 (77%)	7 (23%)	30	
Enforcement Appeals	WR	11	7	18	2
	H	-	1	1	-
	PI	1	1	2	1
Enforcement Total		12 (57%)	9 (43%)	21	
All Appeals	WR	34	12	46	4
	H		3	3	1
	PI	1	1	2	2
Combined Total		35	11	51	7

(g) List of Forthcoming Hearings and Public Inquiries

<u>DATE</u>	<u>Site and Proposal/ Breach</u>
10TH AND 11TH OCTOBER 2006	PUBLIC LOCAL INQUIRY - PLANNING APPEAL Sealawns Hotel, Ogmere By Sea <i>Demolition of existing buildings on site and construction of 24 flats, parking on existing car park and disabled parking at high level together with hard & soft landscaping</i>
7 NOVEMBER 2006	HEARING - PLANNING APPEAL 66, Victoria Road, Penarth <i>Demolition of existing house and garage block. Construction of new two/three storey apartment block with basement, associated landscaping and car parking</i>

12 DECEMBER 2006 **HEARING - PLANNING APPEAL**
Land adjoining the former Golden Hind Public House, St. Mary's Well Bay, Swanbridge
Change of use from former public house car park to become part of caravan site - retention of four concrete bases, access roadway, lighting stanchions and gabion wall

12 DECEMBER 2006 **HEARING - ENFORCEMENT APPEAL**
Land at The Golden Hind & The Bay Caravan Park, St. Marys Well Bay, Lavernock
Unauthorised construction of concrete hardstandings and an access road

12 DECEMBER 2006 **HEARING - PLANNING APPEAL**
Land adjoining the former Golden Hind Public House and Bay Caravan Park, Lavernock
Change of use involving formal incorporation of land into Bay Caravan Park and provision of site access road and concrete bases

DATE TO BE CONFIRMED GM2 House, Penarth (Hearing)
Land opposite Llandow caravan park, Llandow (Hearing)
Greenfields, Llanblethian (Inquiry)

Background Papers

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

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Officers Consulted:

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AND ECONOMIC REGENERATION