



Penderfyniad ar yr Apêl

Ymweliad â safle a wnaed ar 06/07/20

gan Clive Nield BSc(Hon), CEng,
MICE, MCIWEM, C.WEM

Arolygydd a benodir gan Weinidogion Cymru

Dyddiad: 23.07.2020

Appeal Decision

Site visit made on 06/07/20

by Clive Nield BSc(Hon), CEng, MICE,
MCIWEM, C.WEM

an Inspector appointed by the Welsh Ministers

Date: 23.07.2020

Appeal Ref: APP/Z6950/D/20/3252829

Site address: 72 Clos yr Wylan, Barry, CF62 5DB

The Welsh Ministers have transferred the authority to decide this appeal to me as the appointed Inspector.

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Barry Conner against the decision of the Vale of Glamorgan Council.
 - The application Ref 2020/00039/FUL, dated 14 January 2020, was refused by notice dated 13 March 2020.
 - The development proposed is 2 storey side, single storey rear extensions and new boundary treatments to side and rear.
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Decision

1. The appeal is dismissed.

Background and Procedural Matters

2. The Council's refusal notice described the proposed development as "proposed two storey extensions to both sides with balcony to front (south) elevation, single storey rear extension with roof terrace and new boundary treatments to side and rear", which provides a helpful description of the extent of the proposal.
3. It is also pertinent that planning permission has previously been granted for a 2 storey extension on the western side of the house and for up to 2 metre high walls round most of the boundaries (Ref 2018/01040/FUL).

Main Issues

4. The main issues in this case are the effects of the proposed development on the character and appearance of the existing dwelling and the surrounding area and on the residential amenity of the neighbouring property, particularly in respect of privacy.

Reasons

Character and Appearance

5. The proposed extensions have been designed to appear subservient to the main (existing) building and to be of appropriate scale, design and materials to reflect the appearance of the existing house. However, the enlarged house would extend over
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almost the full width of the plot and would become a dominant feature in this prominent location on account of its sheer bulk. Located as it is at the southern-most edge of this new housing estate, overlooking the coastal path, the consistent open spacing of the row of houses of which the property is part is an important feature of this prominent coastal development, particularly when viewed from the coastal path, and the proposal would so enlarge the appeal property that it would look out of place amongst its neighbours in this part of the estate.

6. The Appellant has drawn my attention to another property nearby, 21 Pioden For, which has been extended to cover most of the width of the plot. However, I consider the circumstances of that house to be quite different; it is not an appropriate precedent to justify the current proposal. My attention has also been drawn to the Ty Gambig "Crescent", a substantial building a little further inland. However, again, the location and surroundings of that building are quite different to the appeal property, and I do not consider it to provide any useful steer as to what development might be suitable on the appeal site.
7. In addition, there is a public footpath between the appeal property and an adjacent dwelling, 70 Clos yr Wylan, which links the housing estate with the network of coastal paths on the headland. At present it has an open, inviting character as both Nos. 70 and 72 are set well away from it. Although the erection of a 2 metres high wall along the boundary of the appeal property (for which planning permission has already been granted) would erode this character, the proposed eastern extension of the dwelling to a line close to the footpath would have a much more significant effect, partially enclosing it and harming its open character.
8. In this respect, the Appellant has drawn my attention to another footpath, which he argues is already much narrower. However, yet again I consider this feature to provide little help in my assessment of the current proposal. The existence of one narrow footpath does not justify converting another much more open footpath to one of less amenity value.
9. Taking into account all of these elements and assessing them against the requirements of Local Development Plan policies MD2 and MD5, I do not consider the proposal responds appropriately to the local context and the character of neighbouring buildings and surroundings. It would appear incongruous and would have an unacceptably harmful effect on the character and appearance of its immediate setting and the local area, contrary to the policies above.

Residential Amenity

10. Turning to the second main issue, the private rear amenity space of the adjoining dwelling, 74 Clos yr Wylan, would be closely overlooked from the rear (northern) balcony and roof terrace of the proposed extension. Although there is already some overlooking from rear windows, overlooking from a balcony or roof terrace would be much more intrusive, as it would tend to be used for longer periods of time and be more obvious. In this respect the proposed development would conflict with LDP Policy MD2 as it would not safeguard residential amenity in respect of privacy.
11. The Appellant submits that the impact due to overlooking is not that great as the Council has indicated it could be alleviated by reducing the width of the balcony. I disagree. Any balcony or roof terrace in that location would lead to unacceptable loss of privacy to the neighbouring residents. The Appellant has suggested that this might be overcome by applying a planning condition requiring the removal of access to the balcony, and he has indicated that this would probably lead to its replacement with a

Juliet balcony. However, that course of action would not be certain, and I consider the inclusion of any other balcony in that position, with or without direct access, would lead to (at the very least) a perception of being overlooked.

Overall Conclusion

12. My overall conclusion is that the proposed development would be unacceptably harmful to the visual amenity of the area, due to its inappropriate size in such a prominent location, and to the privacy of neighbouring residents, contrary to LDP policies MD2 and MD5. For the reasons given above I conclude that the appeal should be dismissed.
13. In reaching my decision, I have taken into account the requirements of sections 3 and 5 of the Well Being of Future Generations (Wales) Act 2015. I consider that this decision is in accordance with the Act's sustainable development principle through its contribution towards the Welsh Ministers' well-being objective of supporting people and businesses to drive prosperity.

Clive Nield

Inspector