



Written representations appeal against the refusal of the Vale of Glamorgan Council to grant planning consent for a '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'

Location: 72, Clos Yr Wylan, Barry, CF62 5DB

Client: Mr Barry Conner

Architectural Design: Peter Legg, DLP Architecture Ltd, Cardiff

Planning Consultant: Robert Hathaway, Plan R Ltd, Bridgend

Background and Grounds of Appeal

Householder planning application 2020/00039/FUL, validated on 15 January 2020 was refused planning consent on 13 March 2020 for the following two reasons:

1. By reason of its size and design, the proposed extension would harm the character of the existing dwelling, the openness (sic) of the footpath and appear incongruous (sic) in relation to the scale of built development on Nell's Point. It would therefore be harmful to the visual and local amenity. The development would be contrary to Policies SP1, MD2 (criterion 1 and 2) and MD5 (criterion 3) of the Vale of Glamorgan Adopted Local Development Plan 2011-2026, the Council's approved Supplementary Planning Guidance 'Residential and Householder Development (2018)' (paragraph 7.3.2 and 8.1.2), and the advice within Technical Advice Note 12 (paragraph 2.6, 4.5, 4.8 and 6.16) and Planning Policy Wales (10th Edition) (paragraph 3.9 - 3.16).

2. By reason of the proximity of the proposed rear terrace and its position in relation to the boundary, the proposals would result in close and invasive overlooking of the neighbouring garden, thereby unacceptably harming the privacy and residential amenity of No.74 Clos y Wylan. The proposal is therefore contrary to criterion 8 Policy MD2 of the Vale of Glamorgan adopted Local Development Plan, and para. 8.12.1 and 9.2.2 the Council's Supplementary Planning Guidance on Residential and Householder Development.

The main grounds of appeal are:

In relation to refusal Number 1:

The dwelling does not lie in a Conservation Area or in an area that is protected for its landscape, heritage or other environmental qualities. The Bovis private development site lies on the former Butlins Holiday Camp site and the development has a tight and dense 'feel' to its character and appearance.

The proposed extensions are ancillary in scale and design to the main dwelling, are harmonious and well designed and would not therefore harm the character and appearance of the existing dwelling. The proposed development therefore complies with the relevant LDP policies and supporting SPG and the advice contained in TAN 12 and relevant paragraphs within PPG Wales (Ed 10).

By virtue of the grant of consent under reference 2018/01040/FUL (see details attached to this appeal) for a proposed two storey side extension to the west of the house plus new boundary wall treatments to the sides, front and rear with the side walls being 2m in height, the Council has already consented to a change in the character and appearance of the dwelling in its setting. So for example the Council has consented a two storey extension to the west of

the existing dwelling that indicates that it is clearly comfortable with extending the width of development on the front streetscape of Nell's Point. The above grant of consent with its 2m high brick walling along the eastern side boundary running close to the footpath already allows for the potential for the consented high walls to impact on what the Council refer to as the 'openness' between the dwelling and the footpath.

The Council has granted consent for western and eastern elevations at No 21 'Pidon For' on the frontage of Nell's Point that results in the extended dwelling filling the width of the plot. The street scene overlooking the coast is therefore not uniformly set with gaps between the existing houses and development is already relatively dense.

The only other dedicated footpath on this Bovis site runs between 25 and 26 Clos Y Fulfran and here the estate is designed with hardly any gap between the houses with the view to the coastline therefore restricted. Once again, the proposed development would compliment the existing character and appearance of the area.

In relation to reason for refusal Number 2, the case officer's report note that there is already a degree of overlooking from the rear windows of the dwelling into the rear garden of 74 Clos Y Wylan. The case officer's report also notes that it may be possible to ameliorate any impact by further reducing the width of the balcony that suggests that the impact through overlooking is not that great. Should the Planning Inspector come to the view that the rear balcony would be harmful he/she is invited to approve the development in part with a condition that states a scheme removing access to the rear glass/steel balcony to be submitted and approved by the local planning authority before beneficial occupation of the consented extensions. It is foreseen that such a scheme would most likely involve the replacement of the proposed doors with a juliet balcony.

General Site Context



Written Statement

While it is important, in line with PPG Wales, TAN 12 and LDP and SPG policies and objectives, to produce good design that responds positively to the layout, form, scale and visual appearance of the area, the site does not lie in an area designated or recognised for its visual or environmental qualities. The Bovis site, developed the writer is advised some 15 years ago, is a typical modern housing estate.

The design of the extensions takes account of the context of the area and proposes extensions that are subservient in scale as defined by setting the ridge line of the extensions below the main ridge line and by inseting the front building line behind the existing front wall of the dwelling. The materials proposed complement the existing dwelling and surrounding context with grey slate roofing tile, grey rendered walls over red brick with appropriate coloured fenestration and doors. Importantly the proposed extensions address the main vista over the coastline in the same manner as other dwellings and extensions along the frontage. In relation to the proposed front balcony this limits itself to the existing main dwelling and this along with the extension set backs clearly signals the difference between the main dwelling house and its subsequent extensions. These setbacks and lower ridges also help reduce the scale and mass of the proposed dwelling in its context. The development in terms of scale, mass, design, orientation, therefore complies with the LDP and SPG objectives.

Development Across Plots Widths and Balconies at 21 Pioden For and 74 Clos Y Wylan



The Planning Inspector will note that part of the character of the area is that existing and altered dwellings take up a large proportion of the width of the plot frontage. This is hardly surprising given the opportunities for splendid views out over the Bristol Channel. We would encourage the Planning Inspector to specifically in this regard look at 21 'Pioden For' and examine what the

Council has allowed at this plot which sets a tone for the character and appearance of the area in the way the houses address the sea.

Development Across Plot Width at 21 Pioden For



In granting planning consent 2018/01040/FUL, the Council has acknowledged that the two-storey western side extension is acceptable in its scale, massing and design and that the resultant street scene when viewed from the headland would not be adversely impacted. The proposed eastern elevation would increase the width of the dwelling within the plot but this is no different to the plot width at No 21 'Pioden For' or indeed many of the other plots to the east of the footpath where the width of the dwelling effectively fills the plot. And indeed, the current proposal would not result in the eastern elevation reaching the footpath as the irregularly shaped boundary would be 1.7m away at the front of the eastern extension and 2.5m away at the rear.

The gap between 70 and 72 Clos Y Wylan would still be a generous 6.2m which is far wider than the gap between the houses on the sea front of the only other segregated footpath on the Bovis site which runs between 25 and 26 Clos Y Fulfran (see below). Once again therefore the proposed development would not be out of accord with the character or appearance of the locality.

Footpath between 25 and 26 Clos Y Fulfran and note narrowness of gap between the dwellings. These dwellings also front the coastline.



The other factor in this whole question of what the Council regard as the inappropriate lessening of the 'openness' between 72 and 70 Clos Y Wylan is that the Council, under planning consent 2018/01040/FUL, has already granted consent for a 2m high brick wall with pillars to enclose the eastern side boundary immediately adjacent to the footpath. This consent therefore already allows a fall-back position which would mean that a new 2m boundary wall could be built immediately adjacent to the footpath (not 2.5m away like the extension would be) which would impact on the existing visual qualities of the area. The windy rather than straight nature of the footpath would also limit any adverse visual impact of the development on the footpath that runs between 72 and 70 Clos Yr Wylan.

Note irregularly shaped boundary to east of existing dwelling that would result in the gap being wider than may first appear.



While not located on the sea front the issue of the character and appearance of the wider estate is also relevant in the determination of the application. It is also therefore interesting to note that as one proceeds via the estate road to the site, the viewer is met barely 50 m of the site by the imposing 'crescent' shaped Ty Gambig that totally fills the This character is perhaps exemplified by the imposing two and a half storey 'crescent' that completely encloses the viewer's aspect when travelling towards the coast line. This acts as an abrupt visual 'full stop' in the street scene and therefore it is fair to say that already there are (in the overall design of the estate) very few public views 'outwards' as part of its overall design philosophy.

Façade of Ty Gambig



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R C Hathaway

May 18 2020