



Further information about us and the planning appeal system is available on our website www.planning-inspectorate.gov.uk

9/6/10

PLANNING APPEAL

If you need this document in large print, on audio tape, in Braille or in another language, please contact our helpline on 0117 372 6372.

Please use a separate form for each appeal

Your appeal and essential supporting documents must reach the Inspectorate within 6 months of the date shown on the Local Planning Authority's decision notice (or, for 'failure' appeals, within 6 months of the date by which they should have decided the application).

Before completing this form, please read our booklet 'Making your planning appeal' which was sent to you with this form.

WARNING: If any of the 'Essential supporting documents' listed in Section J are not received by us within the 6 month period, the appeal will not be accepted.

PLEASE PRINT CLEARLY IN CAPITALS USING BLACK INK

A. APPELLANT The name of the person(s) making the appeal must appear as an applicant on the planning application form.

Name MR & MRS CB HANCOCK

Organisation Name (if applicable) _____

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09 JUN 2010
PLANNING INSPECTORATE
PO BOX 1000
BATH BA1 1WJ

B. AGENT (if any) FOR THE APPEAL

Name JAMES CARTER:ALAN BARKER PSHP

Organisation Name (if applicable) _____

Your Reference 09/889A

C. LOCAL PLANNING AUTHORITY (LPA)

Name of the LPA VALE OF GLAMORGAN COUNCIL

LPA's application reference no. 2009/01203/FUL

Date of the planning application 131109

Date of the LPA's decision notice (if issued) 070110

D. APPEAL SITE ADDRESS

Address R/O 3 ALBERTA PLACE
PENARTH VALE OF GLAMORGAN

Postcode CF64 3DR Note: Failure to provide the full postcode may delay the processing of your appeal.

E. DESCRIPTION OF THE DEVELOPMENT

Please enter details of the proposed development. This should normally be taken from the planning application form, but if the application was revised while it was with the local planning authority for consideration, you may enter a description of the revised scheme. Please enclose a copy of the LPA's agreement to the change.

ALTERATION WORKS TO CONVERT EXISTING
GARAGE AT REAR OF 3 ALBERTA PLACE
INTO STUDIO APARTMENT

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PLANNING PERMISSIONS
AND ECONOMY
DEVELOPMENT

Size of the whole appeal site (in hectares) 0.01

Area of floor space of proposed development (in square metres) 32.75

Has the description of the development changed from that entered on the application form? YES NO

Is flooding an issue? YES NO

Does the development affect the setting of a listed building? YES NO

Is the appeal site within an Area of Outstanding Natural Beauty? YES NO

Does the site lie within a conservation area? YES NO

Does the site lie within a green belt/green wedge? YES NO

F. REASON FOR THE APPEAL

This appeal is against the decision of the LPA to:

Please tick **ONE** box only

1 Refuse planning permission for the development described in Section E. 1

2 Grant planning permission for the development subject to conditions to which you object. 2

3 Refuse approval of the matters reserved under an outline planning permission. 3

4 Grant approval of the matters reserved under an outline planning permission subject to conditions to which you object. 4

5 Refuse to approve any matter required by a condition on a previous planning permission (other than those in 3 or 4 above). 5

OR

6 The failure of the LPA to give its decision within the appropriate period (usually 8 weeks) on an application for permission or approval. 6

G. CHOICE OF PROCEDURE

CHOOSE ONE PROCEDURE ONLY

You should start by reading our booklet 'Making your planning appeal' which explains the different procedures used to determine appeals. In short there are 3 possible methods:- written representations, hearings and inquiries. You should consider carefully which method suits your circumstances.

Please note that when we decide how the appeal will proceed we will take into account the LPA's views. ✓

1 WRITTEN REPRESENTATIONS

This is normally the simplest, quickest and most straightforward way of making an appeal. Three out of every four people making an appeal choose this method. The written procedure is particularly suited to small-scale developments (e.g. extensions of buildings, individual houses or small groups of houses, appeals against conditions and change of use). It is also very popular with people making their own appeal without professional help. The process involves the submission of written 'grounds of appeal' followed by a written statement and any supporting documents. It also provides an opportunity to comment in writing on the Local Planning Authority's reasons for refusing permission (or failing to determine the application). An Inspector will study all of the documents before visiting the appeal site/area and issuing a written decision. w ✓

NOTE: The Inspector will visit the site unaccompanied by either party unless the relevant part of the site cannot be seen from a road or other public land, or it is essential for the Inspector to enter the site to check measurements or other relevant facts.

- a) If the written procedure is agreed, can the relevant part of the appeal site be seen from a road, public footpath, bridleway or other public land? YES ✓
NO
- b) Is it essential for the Inspector to enter the site to check measurements or other relevant facts? YES ✓
NO

If the answer to 1b is 'YES' please explain

BECAUSE THE APPEAL SITE IS BOUNDED BY A SUBSTANTIAL WALL IT IS ANTICIPATED THAT THE INSPECTOR MIGHT WISH TO VIEW FROM WITHIN THE SITE

2 HEARINGS

This process is likely to be suited to slightly more complicated cases which require detailed discussion about the merits of a proposal. Like the written procedure, the process starts with the submission of 'written grounds of appeal' followed by a full written statement of case and an opportunity to comment in writing on the Local Planning Authority's reasons for refusing permission which the Local Planning Authority and the appellants(s) will be represented. Members of the public, interested bodies (e.g. Community/Town Councils) and the press may also attend. At the hearing the inspector will lead a discussion on the matters already presented in the written statements and supporting documents. The Inspector will visit the site/area and issue a written decision in the same way as the written procedure. H

Although you may prefer a hearing the Inspectorate must consider your appeal suitable for this procedure.

3 INQUIRIES

This is the most formal of procedures. Although it is not a court of law the proceedings will often seem to be quite similar as the parties to the appeal will usually be legally represented and expert witnesses will be called to give evidence. Members of the public and press may also attend. In general, inquiries are suggested for appeals that: I

- are complex and particularly controversial;
- have caused a lot of local interest;
- involve the need to question evidence through formal cross-examination.

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PLANNING DEPARTMENT
PLANNING OFFICE
100, MARKET STREET, BIRMINGHAM, B3 3QJ

H. GROUNDS OF APPEAL

If you have requested the written procedure, please provide your **FULL** grounds of appeal.

If you have requested a hearing or an inquiry, you do not have to provide your full grounds of appeal. You can provide only a brief outline of your grounds, but it must be sufficiently detailed and comprehensive to enable to LPA to prepare their case.

Refer to our booklet 'Making your planning appeal' for help.

Please continue on a separate sheet if necessary.

SEE ATTACHED

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PLANNING DEPARTMENT

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PLANNING DEPARTMENT
CITY OF BRISTOL
REGISTRATION SECTION

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03 JUN 2010

PLANNING DEPARTMENT
CITY OF WINDSOR

09/889A/JWC/WL

H. GROUNDS OF APPEAL

- 1.0 The appellants are aggrieved at the Council's decision refusing planning permission for the proposed development.
- 2.0 They consider that the policies relevant to an application of this kind have been too narrowly interpreted by the Council and over prescriptively applied to its determination and lead to a decision inconsistent with comparable development permitted elsewhere.
- 3.0 It understandably follows that the appellants consider the Council's reasons for refusal to be misplaced and do not understand or agree with the underlying logic applied to their formulation as stated on the Notice of Refusal and expounded in correspondence.
- 4.0 The Council's decision appears to be founded on two concerns :-
 - 4.1 That the proposed development would result in a dwelling of an unacceptable form and appearance that would be out of character with the street scene.
and
 - 4.2 The amenity residual amenity space remaining with the existing dwelling would be deficient.
- 5.1 Regarding the first of these, it should be noted that the appeal site is located within a conservation area. The existing garage formed part of an application for planning permission that was granted in response to application (Ref 02/01724/FUL). The application was submitted jointly with the owner of the adjoining property, 2 Alberta Place, who was wishful of carrying out development on part of his rear garden abutting the proposed garage on No 3. Both being aware of the area's conservation status, the more rigorous criteria applicable to proposed development therein and desirous of enhancing or at least preserving its character, they decided that objective would be best realized by co-ordinating their aspirations and proposals.

- 5.2 Permission was granted after due scrutiny and consideration against planning criteria that presumably included those applicable to the conservation area. It would therefore seem reasonable to conclude that the Council were satisfied that the scale and form of the development would be sympathetic to the character of the conservation area and the street scene in which it is situated.
- 5.3 As such and given that the form, scale and appearance of the existing building would be unchanged, the appellants are at a complete loss to understand how it can become otherwise, simply on account of a change of its use. Furthermore, but without claiming any special architectural significance for the existing building, they consider that a contention to the contrary would confound other, established policies frequently applied to proposed changes of use of existing buildings - redundant churches and farm buildings to dwellings for example, that require their original character and features to be retained.
- 6.1 With regard to the second of the Council's concerns, it must be accepted that if part of the existing amenity space is allocated to the dwelling that would be created from conversion of the existing garage, the residual area remaining with the existing dwelling would be correspondingly diminished.
- 6.2 Notwithstanding, the appellants consider that it would not do so to an extent that renders it deficient. Scrutiny of the locality will confirm that it comprises a variety of dwelling types and size on an even greater variety of plot sizes, some of which compare with the residual plot size and amenity space that would remain with the existing dwelling.
- 6.3 Account should also be taken of the large public open space on the former railway land on the opposite side of Sully Terrace, which on account of its immediate proximity, the appellants consider would adequately compensate for any diminution of the plot size of 3 Alberta Place and the residual private amenity space within.
- 6.4 Moreover, the appellants consider they are supported in that view by the Inspector's guidance in para 7 of appeal decision T/APP/Z6815/A/97/511363, copy annexed, against

refusal of planning permission 97/01257/W relating to 52 Arran Street, a property in the City of Cardiff, for reasons that included inter alia, inadequate amenity space with both the new dwelling it was proposed to create by demolition of the garage/former coach house at the rear of the property and the existing house. Also, by the planning permission subsequently granted by Cardiff Council in respect of application Ref 06/01144/C, for conversion and extension of the Coach House at the rear to a studio apartment. A copy of the Notice of Permission dated 13/07/2006 is also attached, together a copy of Drwg No 836.02B showing the apportionment of amenity space between the 2 properties.

6.5 It is of course appreciated that the context and circumstances of any 2 instances are very rarely identical but the appellant considers that in this case, they are at least comparable in the light of the principle identified by the Inspector in the aforementioned appeal decision.

6.6 Comparison of the 2 reveals that the existing 3 storey dwelling and the garage/coachhouse now in course of conversion at 52 Arran Street Cardiff, are both larger than the existing dwelling and garage respectively at 3 Alberta Place Penarth and the private amenity space at both is as noted hereunder :-

52 Arran Street Cardiff		3 Alberta Place Penarth	
Existing house	33.30 m ²	Existing house	99.14 m ²
Converted garage/coachhouse	9.00 m ²	Converted garage	57.02 m ²

7.0) The proposed development would serve the appellants needs for the foreseeable future and in the circumstances that it might not be returned to garage use in the fullness of time, provide a small, but nonetheless useful contribution to the housing stock of the town of a kind for which a market would probably be found.

8.0 For the reasons referred to above, the appellants respectfully request that this appeal be upheld.

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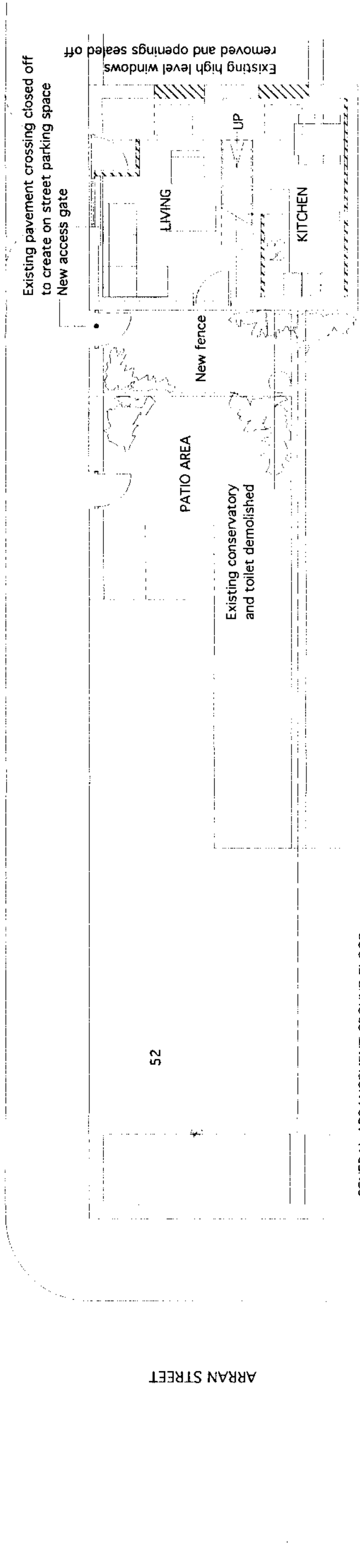
19 JUN 2010

ENVIRONMENTAL AND ECONOMIC CONSULTANTS

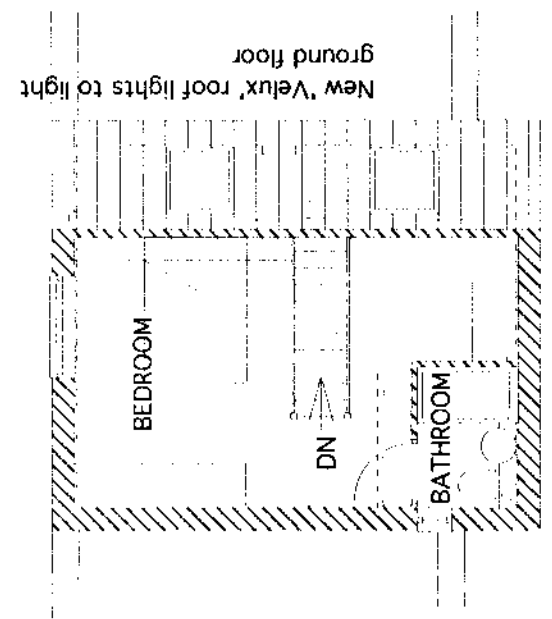
52 ARRAN STREET, ROATH
SCALE 1:100
DATE OCT 2006
CARDIFF

GENERAL ARRANGEMENT PROPOSED 836 / 02B

JAMES CARTER : ALAN BARKER PARTNERSHIP
CHARTERED ARCHITECTS AND PLANNING CONSULTANTS
BANK CHAMBERS 92 NEWPORT ROAD CARDIFF CF24 1DG
TEL 02920 455444

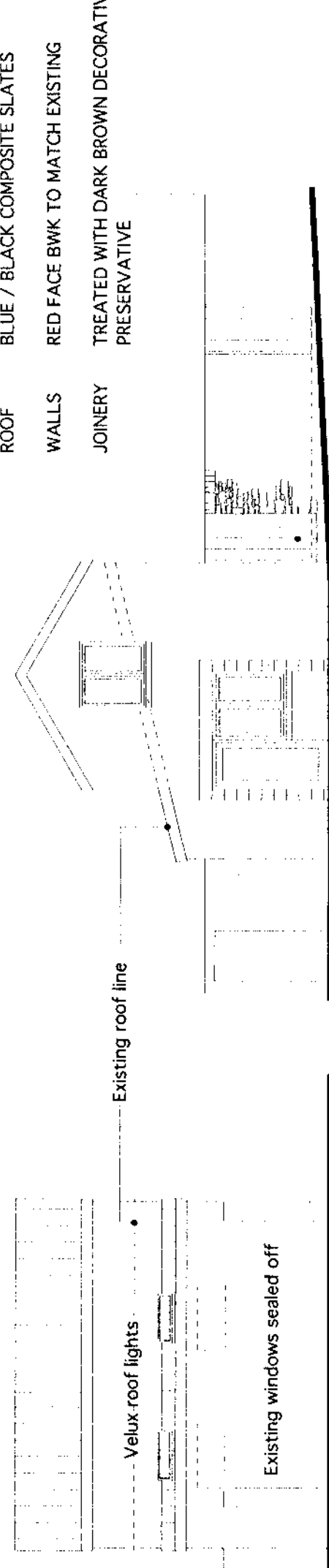


GENERAL ARRANGEMENT GROUND FLOOR



GENERAL ARRANGEMENT FIRST FLOOR

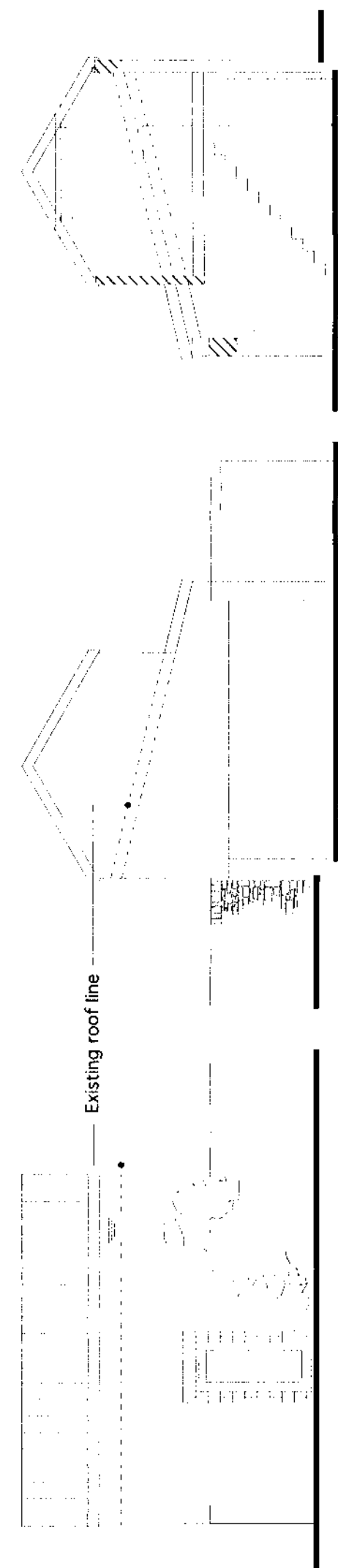
- MATERIALS
- ROOF BLUE / BLACK COMPOSITE SLATES
 - WALLS RED FACE BWK TO MATCH EXISTING
 - JOINERY TREATED WITH DARK BROWN DECORATIVE PRESERVATIVE



SOUTH ELEVATION

EAST ELEVATION

New access gate



NORTH ELEVATION

WEST ELEVATION

SECTION

Application No: 06/01144/C



PERMISSION FOR DEVELOPMENT

To:
James Carter : Alan Barker Partnership
J W Carter
Bank Chambers
92 Newport Road
Cardiff
CF24 1DG

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09 JUN 2010

CARDIFF COUNTY COUNCIL
PLANNING DEPARTMENT
PLANNING AND BUILDING SERVICES

Town and Country Planning Act 1990
Town and Country Planning (General Development Procedure) Order 1995

WHEREAS you submitted an application for Full Planning Permission received on 18/05/2006 for: FIRST FLOOR EXTENSION OVER EXISTING COACH HOUSE TO CREATE NEW STUDIO APARTMENT at Rear of 52 Arran Street, Plasnewydd, Cardiff (hereinafter called "the development");

CARDIFF COUNTY COUNCIL, as the Local Planning Authority for the County of Cardiff, in pursuance of its powers under the above mentioned Act and Orders, hereby PERMITS the development to be carried out in accordance with the application and plans submitted therewith, subject to compliance with the conditions specified hereunder:

1. The development permitted shall be begun before the expiration of five years from the date of this planning permission.
Reason: In accordance with the provisions of Section 91 of the Town and Country Planning Act 1990.
2. No development shall take place until the outbuilding outlined in green on plan 836/02B has been demolished and the area on which it stood cleared and made suitable for use as an external amenity area. Reason :
To ensure a satisfactory external amenity area is provided for future occupiers of the scheme.
3. No development shall take place until details of facilities for the storage of refuse containers have been submitted to and approved in writing by the Local Planning Authority. The facilities approved shall be provided before the development is brought into beneficial use.
Reason: To secure an orderly form of development and to protect the amenities of the area.

2005
CARDIFF
CAERDYDD
1905 CENTENARY YEAR 2005
CANMLWYDDIANT 2005
JOIN THE CELEBRATION
YMUWCH YN Y DATHLU



4. The consent relates to the application as amended by the revised plans received on 30th June 2006 attached to and forming part of this planning application.
Reason: The plans amend and form part of the application.

All policies and proposals in the Development Plan which are relevant to this decision are listed in the report on the Application.

IT IS IMPORTANT THAT YOU SHOULD READ THOSE NOTES ON THE ATTACHED SHEET WHICH ARE RELEVANT TO THIS TYPE OF APPLICATION.

Dated: 13/07/2006

PA. Williams

Phil Williams
DEVELOPMENT MANAGER
DEVELOPMENT CONTROL
CITY HALL, CARDIFF CF10 3ND

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19 JUN 2006

PLANNING
CITY HALL
CARDIFF



Yr Arolygiaeth Gynllunio

Adeilad y Goron, Parc Cathays, Caerdydd, CF1 3NQ

Uniongyrchol 01222 825538

Ffacs 01222 825150



The Planning Inspectorate

Crown Buildings, Cathays Park, Cardiff, CF1 3NQ

Direct Line 01222 825538

Fax 01222 825150

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8 JUN 2010

D T B Design
286 North Road
CARDIFF
CF4 3BN

Your Ref / Eich efi:

Our Ref / Ein efi:

T/APP/Z6815/A/97/511363

Date / Dyddiad:

17 MAR 1998

Dear Sir

TOWN AND COUNTRY PLANNING ACT 1990, SECTION 78 AND SCHEDULE 6
APPEAL BY MR A SHEIKH
APPLICATION NO: 97/01257/W

1. I have been appointed by the Secretary of State for Wales to determine this appeal against the decision of the Cardiff County Council to refuse planning permission in respect of an application for the reconstruction of former coach house to a dwelling at 52 Arran Street, Plasnewydd, Cardiff. I have considered the written representations made by you and by the Council. I inspected the site on 2 March 1998.

2. From what I have seen and read about the proposal, I consider that the main issues are, firstly, whether the development would generate more on-street parking to the inconvenience of other road users, and secondly, whether the development would give rise to unacceptable living conditions for occupiers of nearby dwellings.

3. The proposal is to replace a coach house, a monopitch structure, with a small two storey dwelling, lying to the rear of an end-of-terrace house at 52 Arran Street. An area of about 2m of a small rear courtyard of this house would be dedicated for amenity use and a pedestrian access to the new dwelling.

4. On the matter of parking, I consider that it would not be unreasonable to insist on a minimum standard of one off-street car parking space, as a dwelling unit is being created. Policy 17 of the adopted Cardiff City Local Plan expects that adequate provision be made to service new developments in, accordance with standards set out in its document "Parking Guidelines." I note that the surrounding area, comprising mainly of terraced houses, is developed at a fairly high density with little in the way of off-street parking, in which

there is already considerable pressure for on-street parking. Parking on the western sections of Arran Street and Treharris Street is restricted to resident permit holders during the daytime, while the remaining sections of these streets are parked almost to capacity. While there are a few empty spaces in the daytime at the kerbside of Plasnewydd Road, which has less frontage development, the situation would change in the evening and at weekends with increased demand for on-street parking, when most residents are not at work.

5. Although the adjoining streets are not heavily trafficked in view of their predominantly residential character, I consider that additional vehicles generated by the proposal would add to the congestion of vehicles at the kerbside at peak times, and thereby cause inconvenience and possible hazard to other road users. You say that the building is not used to garage cars despite having roller shutter doors, so that there would be no loss of an existing facility. I do not attach much weight to this consideration, as it is important to ensure that new development should be provided with some off-street parking at a time when car ownership continues to increase nationally.

6. No details are provided of the height of the ivy-clad monopitch structure, which I estimate to be roughly 3.5m at its highest at the northern elevation. The eaves level of the coach house would be raised to about 4.5m, with ridge level at about 6.5m. The proposal would have no effect on the occupiers of the nearest house at 55A Treharris Street. This fronts Plasnewydd Road and its northern elevation has no windows. I am concerned, however, about the effect of the proposal on the windows of living rooms at the rear of 53 and 55B Treharris Street, which are only set back some 8-9m from the southern elevation of the new house. As the development would occupy all the plot depth of the site and the rear windows in these adjoining terraced houses are flanked by high walls, it seems to me that the proposed house would shut out a substantial amount of daylight to these living rooms, bringing about an unacceptable degree of overshadowing. Although you indicate that your client would be prepared to lower the pitch of the roof, I cannot consider this amendment, as it would be likely to materially alter the profile of the building as seen from the street, which would be a matter for the Council to determine in the first instance.

7. The Council are concerned with certain other aspects of the proposal, including an inadequate provision of amenity. Generally, this is an area of compact terraced housing with small rear garden areas. The partial loss of the rear court of 52 Arran Street for residents of that dwelling would to some degree be compensated by the proposed removal of a small conservatory and toilet at the rear of this elongated terraced house. I do not accept the Council's insistence on a higher standard of amenity space in this case, as this is largely a matter for developers and their customers. Under the proposal, some provision would be made for this facility,

while residents would also have access to a nearby public park at the Mackintosh Institute about 40m from the site. I do not consider that this is a sufficiently compelling reason to reject the proposal. As for the lack of outlook for future residents, this is a matter for their judgement. The fact that a main living room looks out directly onto the street frontage without being relieved by a window at the rear is not sufficiently convincing a reason to refuse permission, as this arrangement is by no means uncommon in existing dwellings. Nonetheless, there are sufficient grounds to justify the refusal of this proposal on the grounds of lack of parking provision and the overbearing impact that the proposed house would have on occupiers of nearby properties at Treharris Street.

8. I have taken into consideration all other matters raised, including a number of other schemes which you say have obtained planning permission, but these are insufficiently comparable to draw meaningful conclusions. None of the points made materially affect the considerations leading to my decision.

9. For the above reasons, and in exercise of the powers transferred to me, I hereby dismiss this appeal.

Yours faithfully

Gervant Rees

G.Rees BA(Hons) Dip TP MRTPI
Inspector