

---

## Penderfyniad ar yr Apêl

Ymweliad â safle a wnaed ar 14/05/15

gan **Janine Townsley LLB (Hons)**

Arolygydd a benodir gan Weinidogion Cymru

Dyddiad: 02/07/2015

## Appeal Decision

Site visit made on 14/05/15

by **Janine Townsley LLB (Hons)**

an Inspector appointed by the Welsh Ministers

Date: 02/07/2015

---

**Appeal Ref: APP/Z6950/A/15/3005814**

**Site address: 88 Salop Street, Penarth, Vale of Glamorgan, CF64 1HR.**

**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 Paul Ringer against the decision of The Vale of Glamorgan Council.
  - The application Ref 2014/01254/FUL, dated 25 October 2014, was refused by notice dated 23 December 2014.
  - The development proposed is extension to second floor to form self contained one bedroom flat.
- 

### Decision

1. The appeal is dismissed.

### Procedural Matter

2. The postcode of the site address is recorded as CF64 1HR. On the appeal form it is recorded as CF64 1EZ. Nevertheless, I am satisfied that the appeal relates to the site at 88 Salop Street, Penarth.

### Main Issues

3. These are whether the proposed development would provide acceptable living conditions for future occupiers, with particular regard to the provision of private amenity space and the effect of the development on the character and appearance of the area.

### Reasons

4. The appeal relates to a proposal to create an additional second floor flat by increasing the height of part of the existing appeal building. This would increase the total number of flats within the building from seven to eight.

### *Living Conditions*

5. The appeal property currently comprises seven flats, one of which has three bedrooms and the remainder, one bedroom. The Council's evidence is that there is an existing shortfall in private amenity space for the occupiers of the seven flats by reference to the standards contained within the Council's adopted Supplementary Planning Guidance ("SPG") *Amenity Standards*". The SPG advises that in considering private

amenity space for flatted development, the maximum number of occupants per flat should be taken into account. The SPG is not intended to be prescriptive and its status is that of guidance not policy. In this respect I find that irrespective of how many occupants of the flats are taken into account when calculating what the private amenity space should be when applying the standard, it is clear that a shortfall in the provision of amenity space already exists. I have taken into account the existing balconies and terrace. From the plans it appears that the terrace is only accessible through a bedroom which would not prevent use for relaxing, but would make the space less beneficial for the storage of household waste or drying washing. Likewise, the two existing balconies would be too small to be put to use for these needs. I note from the plans that there is a corridor area accessed from the existing rear amenity space although this space is restricted in size and serves a bathroom window for one of the ground floor flats. It is not clear from the plans or submissions whether this space has any formal use for occupants.

6. The proposed development would result in an increased shortfall of private amenity space of between 20 and 40 m<sup>2</sup> according to the SPG standard and dependant on whether the proposed development was occupied by one or two persons. I have taken into account the proximity of public open spaces in the area, and whilst these assist in providing space for outdoor recreation they do not offer any privacy. Nor do they mitigate the need for space for household waste storage, drying washing or storage of personal possessions such as bicycles. I have taken into account the potential reduced expectation for private amenity space from occupants of flatted developments, however, I consider that the provision of private amenity space would fall so short of that which would be expected that the proposal would cause harm to the living conditions of future occupants by virtue of the insufficient private amenity space. As such, the proposal would conflict with policy ENV 27 of The Vale of Glamorgan Adopted Unitary Development Plan 1996-2011 (UDP) which requires new developments to meet the Council's approved standards of amenity.

### *Character and Appearance*

7. The existing buildings on Salop Street are largely residential in character and comprise uniform terraces of properties of similar size and height, particularly in the vicinity of the appeal building. I also note that there are no examples of dormer windows visible on the front elevations of properties on this section of Salop Street. The existing building at No. 1 Salop Street, immediately opposite the appeal site, is similar to the appeal property being a corner property which is higher on the High Street facing elevation with a dormer window in the roof space resulting in a 2 ½ storey element, stepping down to two story where the building faces Salop Street where the eaves height is the same as the adjacent terrace.
8. The proposal to increase the height of the building and to construct four dormer windows in the elevation facing Salop Street would therefore fail to correspond to the prevailing pattern of the existing street. Whilst the increase in ridge height may not be significant, the purpose of the increase is to accommodate dormer windows which are not evident on any other properties fronting Salop Street. As such, the appeal property would appear at odds with the remainder of the street, particularly that section of Salop Street in which the appeal site is situated. For these reasons I consider the proposed development would cause material harm to the character and appearance of the area in conflict with policy ENV 27 of the UDP which provides that new development should only be permitted where it compliments or enhances the local character of buildings and policy HOUS 8 which permits development where the

scale, form and character of the proposed development is sympathetic to the environs of the site.

9. I have taken into account advice contained within Planning Policy Wales (Edition 7) (PPW) which includes a presumption in favour of sustainable development, however, sustainability is promoted through good design, part of which is sustaining or enhancing local character. This includes taking into account the visual appearance of the proposed development, its scale and its relationship to its surroundings and context (paragraph 4.11.9). Therefore, the sustainable location of the proposed development is not itself sufficient to outweigh the harm which would be caused by the development to the character and appearance of the area.
10. I note the appellant's references to other developments in the area however the examples of two and a half story and three storey buildings are located in streets where this is characteristic and not in the immediate vicinity of the appeal site. Furthermore, the examples of taller buildings on corner plots further along Salop Street do not have dormer windows on the Salop Street elevation. I also recognise that the appeal site is located outside of the Conservation Area however this factor does not justify the harm I identified and set out within this decision.

#### *Other Matters*

11. The proposal does not contain any provision for off street parking. There is no off street parking provision for any of the existing flats or for the existing houses. As a result of this, demand for on-street parking is high. Notwithstanding this, no objection to the development has been raised by the Highway Authority and given that the proposal is for a one bedroomed flat I do not consider that the parking needs generated by the development would be sufficient to justify a refusal of the development in this regard. I have also taken into account the assertion that the development would contribute to the affordable housing shortage in the area and would meet the projected demographic shift identified in the Local Market Assessment for the Vale of Glamorgan (2010). However, these factors do not outweigh the adverse consequences of the scheme I have identified elsewhere within this decision.

#### **Conclusion**

12. For the reasons outlined above I conclude that the appeal should be dismissed.

*Janine Townsley*

INSPECTOR