



# **VALE OF GLAMORGAN COUNCIL**

**TOWN AND COUNTRY PLANNING ACT 1990  
(as amended)**

**Section 78 Appeal**

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## **WRITTEN STATEMENT**

**Appeal by Mr. & Mrs. C. B. Hancock,  
Site at Rear of 3, Alberta Place, Penarth**

TOWN AND COUNTRY PLANNING (REFERRALS AND APPEALS) (WRITTEN REPRESENTATIONS  
PROCEDURES) REGULATIONS 2003

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**PLANNING INSPECTORATE REF. NO: APP/Z6950/A/10/2130191**

**VALE OF GLAMORGAN REF. NO: 2009/01203/FUL**

**Justina M. Walsh BSc (Hons) DipTP MRTPI  
Principal Planning Officer (Enforcement and Appeals)**

**Vale of Glamorgan Council,  
Dock Office,  
Barry Docks,  
Barry.  
CF63 4RT**

## **1. INTRODUCTION**

- 1.1 This appeal relates to the decision of the Vale of Glamorgan Council to refuse planning permission for 'Alteration works to convert existing garage at rear of 3, Alberta Place into studio apartment' at Rear of 3, Alberta Place, Penarth.
- 1.2 The application was submitted on 13<sup>th</sup> November, 2009, and subsequently REFUSED planning permission on 7 January 2010 for the following reason:
1. Having regard to Policies HOUS2 (Additional Residential Development), HOUS8 (Residential Development Criteria), ENV27 (Design of New Developments) and TRAN10 (Parking) of the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011; Supplementary Planning Guidance on Amenity Standards; and national guidance contained in Planning Policy Wales March 2002; it is considered that the proposals represent the unacceptable development of the site, which will result in a dwelling of an unacceptable form and appearance, out of character with the street scene and being an overly-contrived and incongruous form of development, with a resultant deficiency of amenity space for the occupiers of the existing dwelling.

## **2. THE COUNCIL'S CASE**

- 2.1 The report prepared in respect of the application subject of this appeal adequately sets out the council's case in this appeal. The report is, of course, attached to the appeal questionnaire already submitted by the Council. To assist the Inspector an aerial photograph of the appeal site is attached in Appendix 1, and photographs of the site and its surroundings are attached in Appendix 2.

## **3. COMMENT ON THE APPELLANT'S GROUNDS OF APPEAL**

- 3.1 With regard to the appellant's comments in respect of the first reason for refusal (i.e. the development being out of character with the street scene), It is accepted that the building subject of this appeal was, on balance, considered to be an acceptable scheme. However, this was on the basis that the building was to be used as a domestic garage serving the dwelling at 3 Alberta Place. As the officer's report highlights, the building has the appearance of a typical domestic garage and, whilst it is highly visible from the Sully Terrace and sits prominently within that street (see the attached photograph 1 of appendix 2), its design and appearance is, in balance, considered acceptable in view of its use which is incidental to the adjoining dwelling. The use of the building as a dwelling itself is,

in the Council's view, considered to be a contrived form of development that is not a suitable use of this modern domestic garage. The Council disagree with this appellant in that the alterations proposed to the building are to its most visible elevation. These alterations will change the character of the building and will advertise its use as an independent dwelling, resulting in a dwelling that will be at odds with the character of the adjoining Victorian terrace street within which the dwelling will sit. It is for this reason that the proposed development is considered to neither enhance nor preserve the character and appearance of the conservation area, contrary to both Council Policy and National Planning Guidance.

- 3.2 The contrived nature of this development is emphasised by the issue of reduced amenity space serving the host dwelling. This issue highlights the fact that this new residential unit results in a cramped form of development in an already highly populated area. Whilst in some circumstances it is appropriate to relax the Council's standards for amenity space, in this instance the space that remains to serve the residents of 3 Alberta Place is not acceptable in view of its close proximity to the garden and residential activities in the proposed dwelling. In view of this it is the Council's view that the amenities of the residents of 3 Alberta Place will be affected to an unacceptable degree.

#### **4. LIST OF SUGGESTED CONDITIONS**

- 4.1 Should the appointed Inspector be minded to allow this appeal, the Vale of Glamorgan Council considers that the following conditions should be imposed:

1. The development hereby permitted shall be begun before the expiration of five years from the date of this permission.

Reason:

To comply with the requirements of Section 91 of the Town and Country Planning Act 1990.

2. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order, 1995 (or any Order revoking and re-enacting that Order) the dwellings hereby approved shall not be extended or altered in any way without the prior written consent of the Local Planning Authority.

Reason:

The dwelling would benefit from permitted development rights for roof alterations which may affect the privacy and amenity enjoyed by the adjoining occupiers. Such a condition would enable the Local Planning Authority to control the scale of development and to ensure compliance with the terms of Policy ENV27 of the Unitary Development Plan.

3. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order, 1995 (or any Order revoking and re-enacting that Order) no windows shall be installed in the rear elevation of the dwelling or the side elevation facing 38 Sully Terrace without the prior written consent of the Local Planning Authority.

Reason:

Any windows installed in the side or rear elevation of the dwelling would directly overlook the adjoining neighbours to the side and rear. This condition will enable the Local Planning Authority to ensure that the privacy and amenities of these adjoining occupiers are not affected and will ensure compliance with the terms of Policy ENV27 of the Unitary Development Plan.

4. Details of a two metre high means of enclosure in the position indicated as 'line of fence if required' on the plans no. 889/02 and 889/04 hereby approved shall be submitted to and agreed in writing by the Local Planning Authority. The means of enclosure shall be erected in accordance with the approved details prior to the commencement of the use of the building hereby approved and shall thereafter be so retained.

Reason:

This condition is required to safeguard the privacy and amenities of the adjoining occupiers. The fence is required to be maintained in its approved location in order to ensure that both the new dwelling and 3 Alberta Place are always served with the amenity space shown on the approved plans. This condition will, therefore, ensure compliance with the terms of Policy ENV27 of the Unitary Development Plan.

## LIST OF APPENDICES

1. Aerial Photograph
2. Photographs of Site

APPENDICES

# APPENDIX 1





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*The Vale of Glamorgan Council*

Department: D.E.E.R.

Title: Site Plan

Drawn By:



Scale 1:1000

Time 11:53:21 AM

Date 22 Jul 2010

# APPENDIX 2



PHOTO 1 - BUILDING SUBJECT OF THE APPEAL -



38 SULLY  
TERRACE  
↳

3 ALBERTA PLACE  
↳



PHOTO 2 - SULLY TERRACE



PHOTO 3 - APPEAL BUILDING



PHOTO 4 - REAR GARDEN OF 3 ALBERTA PLACE





PHOTO 5 - 3 ALBERTA PLACE VIEWED FROM SULLY TERRACE



PHOTO 6 - BOUNDARY BETWEEN 38 SULLY TERRACE AND APPEAR SITE



PHOTO 7 - APPEAL BUILDING

