



# **VALE OF GLAMORGAN COUNCIL**

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

**Section 78 Appeal**

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## **WRITTEN STATEMENT**

**Appeal by Mr. Paul Ringer,  
Site at 88, Salop Street, Penarth**

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

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**PLANNING INSPECTORATE REF. NO: APP/Z6950/A/15/3005814**

**VALE OF GLAMORGAN REF. NO: 2014/01254/FUL**

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## **1. INTRODUCTION**

- 1.1 This appeal relates to the decision of the Vale of Glamorgan Council to refuse planning permission for 'Extension to second floor to form self-contained one bedroom flat ' at 88, Salop Street, Penarth.
- 1.2 The application was submitted on 28<sup>th</sup> October 2014, and subsequently REFUSED planning permission on 23 December 2014 for the following reason:
1. The proposed development represents an unsympathetic development in terms of design and appearance and represents an overdevelopment of the application site, to the detriment of the character and appearance of the street scene and the visual amenities of the area. Thus, the proposal represents a form of development which is excessive in scale and significantly deficient on provision of amenity space and parking. Therefore, the proposed development is contrary to Policies ENV27 'Design of New Developments', HOUS 2 (Additional residential development), HOUS 8 (Residential Development Criteria) and TRAN10 (Parking) of the Vale of Glamorgan Adopted Unitary Development Plan 1996 - 2011 and Supplementary Planning Guidance 'Amenity Standards'.

## **2. THE SITE AND ITS SURROUNDINGS**

- 2.1 The appeal site is located on the corner of Salop Street and High Street within the residential settlement of Penarth. The property, known as Llys Dol May, at 88 Salop Street is a two/ three storey converted public house currently utilised as seven apartments. The surrounding area is characterised by a mix of flats and terraced housing. The associated amenity space takes the form of a shared courtyard accessed via a side lane off Salop Street. There is no off-street parking available for the existing flats.
- 2.2 The location of the appeal site, highlighting its relationship with the immediate surroundings, is identified on the location plans attached in Appendix 1. An aerial photograph of the appeal site is attached in Appendix 2, and photographs of the site and its surroundings are attached in Appendix 3.

## **3. DETAILS OF DEVELOPMENT**

- 3.1 The development subject of this appeal proposes the extension of a section of the property to form a third storey containing an additional flat.
- 3.2 The proposed third storey would accommodate an additional self-contained flat, resulting in a total of eight apartments within the property. The proposed flat
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would contain a lounge, kitchen, bathroom, study and one bedroom, accessed via a shared internal stairs connecting to Salop Street. The application includes raising the eaves level of the section of the building fronting Salop Street by approximately 1.1m to accommodate the third storey with the additional flat partially within the roof void.

- 3.3 The proposal includes four new dormer windows to the elevation fronting Salop Street, with an approximately 9m wide flat roof dormer to the elevation facing the courtyard.

## 4. PLANNING HISTORY

- 4.1 The appeal site has the following relevant planning history:

- 2008/01292/FUL: Llys Dol May, 88 Salop Street, Penarth – Extension to side and installation of one additional apartment – Refused 25/11/2008 for the following reasons:

1. *The proposed development represents overdevelopment of the application site, to the detriment of the character and appearance of the street scene and the visual amenities of the area. Thus, the proposal; represents a form of development which is excessive in scale and significantly deficient on amenity space and parking. Therefore, the proposed development is contrary to Policies ENV27 'Design of New Developments', HOUS11 'Residential Privacy and Space' and TRAN10 'Parking' of the Vale of Glamorgan Adopted Unitary Development Plan 1996- 2011.*

2. *The proposed development will entail major alterations to the façade of the building to the detriment of the uniformity and character of the street scene and is an unacceptable design which would be contrary to Policy ENV27 'Design of New Developments' of the Vale of Glamorgan Adopted Unitary Development Plan 1996- 2011.*

- 2002/00760/FUL: The former Sportsman Public House, High Street, Penarth – Conversion into seven flats with a new courtyard created through the demolition of the existing skittle alley – Approved 06/02/2003

- 2001/00670/FUL: The Plymouth (Sportsman) Public House, High Street, Penarth – Conversion of redundant public house into residential apartments – Approved 24/08/2001

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## 5. RELEVANT PLANNING POLICIES

### Local Planning Documents

5.1 The Development Plan for this area comprises the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011, which was formally adopted by the Council on 18<sup>th</sup> April 2005, and within which the following policies are of relevance to this appeal:

- **ENV27** – Design of New Developments
- **HOUS2** – Additional Residential Development
- **HOUS8** – Residential Development Criteria
- **TRAN9** – Cycling Development
- **TRAN10** – Parking

5.1 Extracts from the above policies have previously been provided in the Council's questionnaire.

5.2 In addition to the adopted Unitary Development Plan, the Council has approved Supplementary Planning Guidance (SPG). The Following SPG is of relevance to this appeal:

- Amenity Standards

5.3 The Amenity Standards SPG seeks to explain the Council's amenity standards for residential development in a clear and easily interpreted manner, and ensure that all new residential development contributes towards a better environment and quality of life for residents, without adversely affecting the amenity enjoyed by residents.

5.4 The particular policies of the SPG of relevance to this appeal are as follows:

**POLICY 1** PRIVACY AND VISUAL AMENITY MUST BE SECURED IN ANY PROPOSED DEVELOPMENT BY CAREFUL DESIGN OF BUILDINGS AND THE RELATIONSHIP BETWEEN BUILDINGS AND FEATURES SUCH AS TREES, HEDGES, PUBLIC SPACES, FOOTPATHS AND SCREEN WALLS AND FENCES.

**POLICY 2** THE COUNCIL WILL ENSURE THAT USABLE, ADEQUATE AND APPROPRIATE PRIVATE AMENITY SPACE IS PROVIDED AS PART OF RESIDENTIAL DEVELOPMENT.

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The provision of adequate and usable private amenity space within the curtilage of a development is extremely important to meet the requirements of residents for functional and relaxation space.

**POLICY 3** THE CONSTRUCTION OF NEW RESIDENTIAL DEVELOPMENT MUST RESPECT THE CHARACTER OF EXISTING RESIDENTIAL DEVELOPMENT, WHILST ENSURING THAT THE PRIVACY AND AMENITY OF SURROUNDING PROPERTIES ARE SAFEGUARDED.

Developers should aim to ensure that new development is designed to minimise its impact upon both the amenities of surrounding properties and the street scene. Developers should aim to avoid siting new dwellings close to existing residential boundaries.

- 5.5 A copy of the guidance has previously been provided in the Council's questionnaire.

### **National Planning Policy and Guidance**

- 5.6 In terms of National planning guidance, the advice contained within Planning Policy Wales, February (Edition 7, 2014) (PPW) at paragraphs 9.3.3 and 9.3.4 is considered relevant to this appeal.

- 5.7 9.3.3 *“Insensitive infilling, or the cumulative effects of development or redevelopment, including conversion and adaption, should not be allowed to damage an area’s character or amenity.”*

- 5.8 9.3.4 *“In determining applications for new housing, Local Planning Authorities should ensure that the proposed development does not damage an area’s character and amenity. Increases in density help to conserve land resources, and good design can overcome these adverse effects, but where high densities are proposed the amenity of the scheme and surrounding property should be carefully considered.”*

- 5.9 Technical Advice Notes (TAN) are also of relevance to the appeal, including the following:

- Technical Advice Note 12: Design (2014)

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## 6. THE LOCAL PLANNING AUTHORITY'S CASE

6.1 The Officer's delegated report relating to the application subject of this appeal is comprehensive and clearly states the Council's case and the policies upon which the Council's decision is based. It is not, therefore, considered necessary to repeat the considerations or arguments made in this report. The following shall, therefore attempt to address some of the Appellant's agent's comments in respect of the Council's decision in the following section of this report.

6.2 For ease of reference I have attached a copy of the Officer's report as Appendix 4

### **Design and Visual Impact**

6.3 The Appellant's agent suggests in the grounds of appeal that the streetscene surrounding the appeal site displays '*wide ranges of scale and design*'. Whilst the Council accept that there are examples of three storey developments on High Street and examples of flat roof dormers in the surrounding area, the extension to the property would be to the section that forms part of the frontage to Salop Street. Consequently, when read within its immediate context of uniform two storey properties, the raised eaves height would represent poor design that is out of keeping with the character of the surrounding properties.

6.4 The Appellant's agent has identified several properties of different scale and design surrounding the appeal site and included them as examples within the grounds of appeal. The example given of a three storey development of flats is located on High Street. Whilst examples of front dormers and larger scale developments are common on High Street, they are not within the street context of the proposed development and do not directly relate to the proposal. A taller section of building is common on street corner junctions with the eaves height stepping down to meet the more uniform two storey level of the terraces. This design is reflected on 1 Salop Street with its design almost mirroring that of the appeal property. The Appellant's agent's example of a corner property on Salop Street and Arcot Street shows a similar design of lower eaves level to the Salop Street frontage compared to the corner section of the property. An example is given of a three storey property on the corner of Salop Street and Glebe Street. Whilst this example does show a difference in scale and design within the local area, it is more than 185m from the appeal site, therefore cannot be considered within the context of the proposed development.

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6.5 Irrespective of whether the proposal creates a *'three storey section'* as suggested in the planning officer's delegated report or *'2 ½ storey'* as contested by the Appellant's agent, the proposal would raise the eaves of the property and the ridge of the roof above existing heights which would appear at odds with the typical street frontage, thus contrary to Policies ENV27 (criterion i) and HOUS8 (criterion i) of the Council's Adopted Unitary Development Plan and National guidance in the form of PPW Chapter 9.

### **Amenity provision**

6.6 Policies HOUS8 (criterion v) and ENV27 (criterion ii) require new development to meet the Council's approved standards with respect to the provision of amenity space. These policies are supported by the Council's approved Supplementary Planning Guidance on Amenity Standards. It is clearly stated within this guidance that for flatted developments, developers should aim to provide, *'a minimum of 20m<sup>2</sup> amenity space per person'*. As stated in the officer's delegated report the property is currently capable of accommodating up to 16 residents. Under this guidance the minimum amenity space required for the existing development is 320m<sup>2</sup>. The rear courtyard space measuring approximately 56m<sup>2</sup> is already significantly deficient for the functional needs of the residents. Should the appeal be allowed, an additional 40m<sup>2</sup> of amenity space would be required to serve up to 18 residents, with the possibility of the proposed study area accommodating additional occupants.

6.7 The Appellant's agent suggests in the grounds of appeal that in addition to the 56m<sup>2</sup> of shared amenity space provided in the form of the rear courtyard, 3 existing flats benefit from *'balconies/terraced areas'* that provide space for the resident's functional requirements. The Council contest that these areas are not adequate or appropriate for functional requirements such as hanging washing, storing bicycles and waste, or relaxing, contrary to Policy 2 of the amenity standards SPG. In addition to this, the Appellant's agent failed to address that neither the remaining flats nor the proposal benefit from a similar arrangement.



- 6.8 The Appellant's agent goes on to suggest that the location of the appeal site in close proximity to Plassey Square Park is a strong material consideration that should outweigh the significant shortfall of shared amenity space provided on site. Whilst the justification put forward by the Appellant's agent is noted, it is not considered that these circumstances would amount to material considerations which would override the requirements of the Council's Unitary Development Plan and the SPG.
- 6.9 The Council note the comments made by the Appellant's agent regarding the need for affordable housing in Penarth. Whilst the appeal proposal would add an additional affordable residential unit to the area, this is not considered to be an overriding factor that would outweigh the effect of the significant deficiency in adequate usable amenity space.
- 6.10 The Council accept that the SPG is a guide and the standards can be relaxed depending on the individual circumstances. However, the Council does not consider there to be any mitigating circumstances that would allow for the standards to be so significantly relaxed in this case. Consequently, it remains view of the Council that the appeal proposal would cause demonstrable harm to the amenities of the existing occupants and those of the proposed flat, by virtue of insufficient private amenity space to serve the units.

#### **Parking provision**

- 6.11 No off-street parking is currently provided for the existing flats and no additional off-street parking spaces have been included as part of the appeal proposal. As is common with terraced properties in the area, few of the dwellings on Salop Street have off-street parking. Consequently, whilst unrestricted parking is found on Salop Street and neighbouring streets, the high demand for on-street parking in this dense residential area is problematic, despite its proximity to transport facilities.

6.12 The pictures attached as annexe 4 highlight the heavy demand for on-street parking in the area. The photographs were taken at 11am, therefore the situation is likely to be worse during evenings and weekends when a greater proportion of residents are likely to be at home. Salop Street is not of a sufficient width to enable on coming vehicles to pass each other without difficulty due to the parking of vehicles on either side. The current arrangement clearly has a negative impact on traffic safety and the free flow of traffic along Salop Street. Whilst it is possible the occupiers of an additional flat could elect not to own a vehicle, it is highly likely that an additional unit would create additional parking requirement either by virtue of personal use or that of visitors. This additional requirement would further increase parking pressures, to the detriment of highway and pedestrian safety.

## **7. CONCLUSION**

- 7.1 In conclusion, it is considered that the existing conversion from a public house to seven residential units constitutes the maximum intensity of use and number of units that the appeal site could accommodate whilst protecting the amenities of the existing and neighbouring occupiers.
- 7.2 The development is thus concluded to represent an inappropriate and insensitive form of extension of a property to form additional residential development, contrary to the aims and objectives of Policy ENV27, HOUS8 and TRAN10 of the Adopted Vale of Glamorgan Unitary Development Plan 1996-2011, approved Supplementary Planning Guidance 'Amenity Standards' and National guidance found in Planning Policy Wales.
- 7.3 For the reasons detailed above, the Inspector is respectfully requested to dismiss this appeal.

## **8. LIST OF SUGGESTED CONDITIONS**

- 8.1 Should the appointed Inspector be minded to allow this appeal, the Vale of Glamorgan Council considers that the following conditions should be imposed:
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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. The external finishes of the development hereby approved shall match those of the existing building.

Reason:

To safeguard local visual amenities, as required by Policy ENV27 of the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011.

3. This consent shall only relate to the amended plans reference Rev A and Sal-002 Rev B received on 28 November 2014 and the development shall be carried out strictly in accordance with these details.

Reason:

To ensure a satisfactory form of development and for the avoidance of doubt as to the approved plans.