



# **VALE OF GLAMORGAN COUNCIL**

**TOWN AND COUNTRY PLANNING ACT 1990**

**(as amended)**

**Section 78 Appeal**

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## **WRITTEN STATEMENT**

**Appeal by Mr John Hawkins**

**Site at Land at Romilly Park Road, Barry**

TOWN AND COUNTRY PLANNING (REFERRED APPLICATIONS AND APPEALS PROCEDURE) (WALES)  
REGULATIONS 2017

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**PLANNING INSPECTORATE REF. NO: APP/Z6950/A/20/3246337**

**VALE OF GLAMORGAN REF. NO: 2019/00656/FUL**

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CF63 4RT**

## 1. INTRODUCTION

1.1 This appeal relates to the decision of the Vale of Glamorgan Council to refuse planning permission for 'Proposed construction of 2 x 1 bed units with onsite parking' at Land at Romilly Park Road, Barry.

1.2 The application was registered as complete on 20 June 2019, and subsequently REFUSED planning permission on 28 August 2019 for the following reasons:

1. By reason of its scale and relationship to adjacent dwellings, the proposed development is considered to result in an overdevelopment of the site that fails to respect the surrounding pattern of development and would, therefore, appear as a cramped, visually incongruous and harmful to the character of the street scene. The proposal would, therefore, be contrary to the aims of Policies SP1 Delivering the Strategy, MD2 Design of New Development and MD5 Development within Settlement Boundaries of the Vale of Glamorgan Adopted Local Development Plan 2011-2026, and the advice within the Council's Supplementary Planning Guidance on 'Residential and Householder Development', Planning Policy Wales 10th Edition and Technical Advice Note 12- Design.
2. By reason of its scale and siting, the proposed development would result in an unacceptable reduction in natural light, be overbearing and an unneighbourly form of development when viewed from the garden and side facing windows of No 81 Romilly Park Road, unacceptably impacting upon the amenities of the occupiers. The proposal would therefore be contrary to the aims of Policies MD2 of the Vale of Glamorgan Adopted Local Development Plan 2011-2026, and the advice within the Council's Supplementary Planning Guidance on Residential and Householder Development, Planning Policy Wales 10th Ed. and TAN12 - Design.

3. In the absence of a noise assessment, the proposal fails to provide adequate information to assess the impact of noise and vibrations from the adjoining train line on the amenity and living conditions of future occupants of the site, contrary to Policies MD2 (Design of Development) MD7 (Environment Protection) of the Vale of Glamorgan Local Development Plan 2011-2026 and national guidance contained in TAN11 (Noise) and Planning Policy Wales (Edition 10, 2018).
  
4. The proposed scheme fails to provide adequate provision of usable and private amenity space to serve the proposed development contrary to policies MD1 – Location of New Development, MD2 – Design of New Development and MD5 – Development within Settlement Boundaries of the adopted Local Development Plan 2011-2026, together with Supplementary Planning Guidance 'Residential and Householder Development'.

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

- 2.1 A description of the appeal site and its surroundings is provided in the officer report for the refused application, reference 2019/00656/FUL. The officer report has been provided on pages 32 to 46 of the Local Planning Authority (LPA) questionnaire, in response to question 22e.
- 2.2 Site location plans have been provided on pages 129 to 131 of the LPA questionnaire, in response to question 22i.
- 2.3 Photographs of the site and its surroundings are provided as appendix A to this LPA statement.

### **3. DETAILS OF DEVELOPMENT**

- 3.1 Details of the refused development are given in the officer report, which has been provided on pages 32 to 46 of the LPA questionnaire, in response to question 22e.

### **4. PLANNING HISTORY**

- 4.1 Details of the planning history of the site are given in the officer report which has been provided on pages 32 to 46 of the LPA questionnaire, in response to question 22e.

### **5. RELEVANT PLANNING POLICIES**

- 5.1 The local and national planning policies which are relevant to this appeal are specified in the officer report, which has been provided in the LPA questionnaire.
- 5.2 The Development Plan for the area comprises the Vale of Glamorgan Adopted Local Development Plan 2011-2026 (LDP), which was formally adopted by the Council on 28 June 2017. Extracts of relevant policies from the LDP have been provided on pages 47 to 58 of the LPA questionnaire, in response to question 22g.
- 5.3 A copy of the Vale of Glamorgan Supplementary Planning Guidance – Residential and Householder Development is also provided on pages 59 to 128 of the LPA questionnaire, in response to question 22h.

## 6. THE LOCAL PLANNING AUTHORITY'S CASE

- 6.1 The officer report for the application subject to this appeal is comprehensive and clearly states the LPA case and the policies upon which the decision to refuse planning permission is based. It is not, therefore, considered necessary to repeat the considerations and arguments made in the officer report, which should be considered as the main basis of the LPA's case.
- 6.2 The sub-sections that follow seek to address a few specific issues raised by the appellant's appeal statement.

### *Character and street scene*

- 6.3 Appendix A to the LPA statement contains photographs of the site and its surroundings. The photographs show the significant size of the surrounding dwellings and the clear spacing between them.
- 6.4 Appendix B to the LPA statement illustrates the building line, annotated onto a copy of the proposed site layout plan. This shows that the proposed development would project approximately 1.8 metres forward of the established building line.
- 6.5 Section 5.9 of the appellant statement of case sets out that "*the east annex of the proposed building would marginally protrude the building line*". The proposed layout plan shows that the projecting wing would be approximately 1.8 metres forward of the established building line. This is clearly illustrated in Appendix D. The 4 dwellings which the proposal would adjoin have a strong and consistent building line and this not insignificant projection would be visually incongruous. In addition, the projection would bring the building frontage very close to the road, which again is out of character for the area.

*Impact on 81 Romilly Park Road*

- 6.6 As is shown in the first photograph within Appendix A, and noted in the officer report, the dwelling which directly adjoins the application site (81 Romilly park Road) has first floor and ground floor principal windows, serving habitable rooms, which are in the side elevation directly facing the proposed development.
- 6.7 Section 5.14 of the appellant statement of case sets out that “*whilst the proposed development may have a limited impact on the daylight of the side facing ground and first floor windows of number 81, the habitable rooms in question are both served by secondary large windows to the front of the dwelling*”.
- 6.8 Application reference 2014/00071/FUL approved the 4 dwellings which are adjacent to the application site. The permission was subsequently varied under application reference 2015/01226/FUL. The approved site plan under 2015/01226/FUL (plan reference AL(90)001 Rev B) is attached at Appendix C and shows that plot 4 is the plot directly adjacent to the application site subject to this appeal. The approved layout for plot 4 (plan reference AL(0)03 Rev D) is attached as Appendix D. The approved plan shows that the habitable rooms in question are not served by secondary large windows as claimed in the appellant’s statement of case.
- 6.9 As can be seen in Appendix D, in the approved layout for plot 4 (i.e. the dwelling adjacent to the proposed site) the large side facing window at ground floor serves the lounge/living room and is the principal window for that room. The lounge/living room has one small additional window which directly serves it. The living room is open plan and the kitchen is served by large front and rear facing windows. However, the width of the open plan space, and the presence of the internal stairwell, means that light from the kitchen windows would not penetrate sufficiently to the lounge/living room to compensate for the inevitable light loss to the principal window caused by the proposals subject to this appeal.

- 6.10 Again, as can be seen in Appendix D, in the approved layout for plot 4, the large side facing window at first floor serves bedroom 4. It is not only the principal window serving that bedroom, but it the only window serving that bedroom.

#### *Noise and vibrations*

- 6.11 The appellant's statement of case makes reference to an acoustic report submitted with a previous application for the adjoining site. However, no noise or vibration assessment or report was provided with the application subject to this appeal, despite requests for one to be provided.

#### *Amenity space for the proposed development*

- 6.12 The appellant's statement of case seeks to base the calculation of amenity space on the proposed flats being occupied by one person only. Whilst it is possible that only one person might occupy each flat, the calculation for one person occupancy is generally intended for small flats and bedsits. The proposed 1 bedroom flats within this development are of a good size and are much more likely to be occupied by 2 people. Consequently, the amenity space calculation set out in the officer report is considered to be more appropriate than that proposed in the appellant's statement of case.

## **7. CONCLUSION**

- 7.1 As set out in the officer report, the proposal is considered to be overdevelopment of the site, which would have an unacceptable impact on the street scene and on the amenity of the adjacent dwelling. In addition, the proposal fails to provide adequate amenity space, and the application contains insufficient information to make an assessment regarding noise and vibration mitigation.

## 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:

1. The development shall begin no later than five years from the date of this decision.

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

2. The development shall be carried out in full accordance with the approved plans and documents:

Reason: For the avoidance of doubt as to the approved development and to accord with Circular 016:2014 on The Use of Planning Conditions for Development Management.

3. Notwithstanding the submitted details, a schedule of materials to be used in the construction of the development hereby approved shall be submitted to and approved in writing by the Local Planning Authority. The development shall be completed in accordance with the approved details.

Reason: To safeguard local visual amenities, as required by Policy MD2 (Design of New Development) of the Local Development Plan.

4. All means of enclosure associated with the development hereby approved shall be completed in accordance with a scheme to be submitted to and agreed in writing by the Local Planning Authority. The means of enclosure shall be implemented in accordance with the approved details prior to the first beneficial use of the development.



Reason: To safeguard local visual amenities, and to ensure compliance with Policy MD2 (Design of New Development) of the Local Development Plan.

5. No development shall commence until details of a scheme of foul, land and surface water drainage has been submitted to and agreed in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details prior to the use of the development and retained in perpetuity.

Reason: To prevent hydraulic overloading of the public sewerage system, pollution of the environment and to protect the health and safety of existing residents and ensure no detriment to the environment and to comply with the terms of Policy MD1 (Location of New Development) of the Local Development Plan.

6. The proposed vehicular crossover shall be completed in materials approved by the Local Highway Authority prior to commencement of works.

Reason: To ensure a minimum standard of construction in the interests of highway safety.

7. The proposed individual vehicular accesses shall incorporate and maintain thereafter a minimum vision splay of 43m x 2m in both directions along Romilly Park Road together with a 2m x 2m vision splay on either side of the proposed vehicular access.

Reason: In the interest of highway Safety.

8. No boundary, walls, fencing, gates or planting shall be erected or planting adjacent to the adopted highway shall exceed 600mm in height in order to provide and maintain un-obstructed visibility splays in both directions along the adopted highway in the interest of highway safety.

Reason: In the interest of highway Safety.

9. A minimum of one parking bay for each unit shall be provided and maintained within the confines of the individual plots, in accordance with the Council's Parking Standards, which shall be surfaced in a bound material to be agreed by the Local Planning Authority prior to beneficial occupation.

Reason: To ensure a minimum standard of parking when the development is brought into use and in the interest of highway safety.

10. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended for Wales) (or any order revoking and re-enacting that Order with or without modification), no fences, gates or walls shall be erected within the curtilage of any dwelling house without the prior permission in writing of the Local planning Authority.

Reason: To safeguard local visual amenities, and to ensure compliance with Policy MD2 (Design of New Developments) of the Local Development Plan.

11. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended for Wales) (or any order revoking and re-enacting that Order with or without modification), no windows other than those expressly authorised by this permission shall be inserted.

Reason: To safeguard the privacy of adjoining occupiers, and to ensure compliance with Policy MD2 (Design of New Developments) of the Local Development Plan.

12. The car parking spaces to be provided shall be kept available for the parking of motor vehicles at all times in association with the development hereby approved.

Reason: To ensure the satisfactory development of the site and that adequate

off-street parking provision and garaging facilities are retained and in accordance with Policy MD2 (Design of New Developments) of the Local Development Plan.