



Penderfyniad ar yr Apêl

Ymweliad â safle a wnaed ar 12/08/10

Appeal Decision

Site visit made on 12/08/10

gan/by R G Gardener BSc(TownPlan) MRTPI

**Arolygydd a benodir gan Weinidogion
Cymru**

**an Inspector appointed by the Welsh
Ministers**

Dyddiad/Date 06/09/10

Appeal Ref: APP/Z6950/A/10/2130191

Site address: Rear of 3 Alberta Place, Penarth CF64 3DR

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 and Mrs C B Hancock against the decision of The Vale of Glamorgan Council.
- The application Ref 2009/01203/FUL, dated 06/10/09, was refused by notice dated 07/01/10.
- The development proposed is 'conversion works to convert existing garage into studio apartment'.

Decision

1. I allow the appeal, and grant planning permission for conversion works to convert existing garage into studio apartment at the rear of 3 Alberta Place, Penarth CF64 3DR in accordance with the terms of the application, Ref 2009/01203/FUL, dated 06/10/09, and the plans submitted with it, subject to the conditions listed below.

Main issues

2. These are (a) the effect of the proposal on the character and appearance of the area and (b) whether the resulting amenity space for the existing dwelling, 3 Alberta Place, would be adequate.

Procedural Matter

3. Although referred to as such in some of the representations made, the appeal site is not within the Penarth Conservation Area.

Reasons

4. The site is the rear portion of the grounds of 3 Alberta Close, a late Victorian or early Edwardian end of terrace house at the corner of Alberta Close and Sully Terrace. Planning permission was granted in February 2003 for a building comprising a garage and garden store (Council Ref: 2002/01742/FUL) fronting onto and with access from Sully Terrace. The terrace is a further row of 2-storey houses of similar period to Alberta Close, with No. 38 immediately alongside the site. It is this garage which is proposed to be converted, without extension. The

scheme would also take part of the rear garden of the original house, which the appellants still own. However, it is let to tenants while they travel. It seems that travelling abroad occupies much of their time; the studio apartment (a bed-sitting room with kitchen/dining area and w.c/shower) is intended to provide them with a base during return visits to Penarth, suggested to be about 6-8 weeks each year.

5. I have no cause to doubt these intentions but they cannot be ensured. Consequently, factors put forward in favour of the proposals such as the works being reversible and the garage returning to its original purpose when the appellants return to permanently occupy the main house can be given little weight. Nevertheless, I do not disregard them entirely.
6. On the first issue, the garage is already a prominent feature in the streetscene. Because of a linear open space on the opposite side of Sully Terrace, once a railway line, it is clearly open to view over a wide area. In those views it features strongly both as part of the rear garden of No. 3 and alongside the side, gable end elevation of 38 Sully Terrace. However, it is set back from the street boundary behind both the appellants' garden wall and a pair of high double gates. The proposal would affect only the external appearance of the front elevation where a framed ply-wood panel with a pair of windows would be inserted across the existing door opening. The current roller shutter door would be retained so that, when the appellants are away, it would be put in place as a security measure. Assuming that that comes about, for much of the time the physical appearance of the garage would be unaffected. In any event, the Council does not object to this change to the elevation.
7. The Council nevertheless contends that as a dwelling rather than an ancillary outbuilding it would appear out of place. It is probable when in use that it would be apparent that the building had undergone a change of function through, for instance, activity around it and lights within and curtains at the windows. It would certainly be different to the traditional dwellings around but that must be measured against the facts that it is already there, that the alterations will have little affect on its contribution to the streetscene and that such changes and activity would be obscured behind existing boundary features. In my opinion these subtle changes, perhaps experienced only occasionally, would not impact negatively on the character or appearance of the locality. Indeed, as the Council accepts, it would continue to appear much as the outbuilding that it already is. Consequently, in addition to Policy HOUS2 of the UDP¹ generally supporting housing infill and small-scale development, I do not consider that the proposal would conflict with those aspects of either Policies HOUS8 or HOUS11 or the design criteria of Policy ENV27 which set out to safeguard the character and amenity of existing environments.
8. As to the second issue, Policy HOUS8 also expects that amenity space is to be provided in accordance with the Council's guidelines. Those are set out in Supplementary Planning Guidance² (SPG). The Council accepts that the space to

¹ The Vale of Glamorgan Adopted Unitary Development Plan 1996-2011

² Amenity Standards, 2006

be allocated to the studio apartment is sufficient. However, it contends that the reduced area for the main house is significantly not. This is because the SPG requires an equivalent area of amenity space to the dwelling floorspace.

9. It is not immediately clear that the SPG is to apply to existing as well as proposed dwellings but since part of its objective is to ensure that the amenity of existing properties is not adversely affected it is reasonable to have regard to it. As the guidance note explains, however, it is not intended to be prescriptive. The Council has not in fact provided its assessment of the amenity area/floorspace relationship. The appellants calculate that the house floorspace is approximately 128m² while the total external area to be retained would be about 114m². While this is less than the SPG requires it would still, from what I saw, compare favourably with most of the surrounding plots. Moreover, a considerably higher proportion than that expected by the Council's standards would be private rear garden and therefore of greater utility to its occupants. My conclusion is that the amenity space to be retained for the use of 3 Alberta Close would be adequate and satisfactory.
10. There are other matters which have been raised, notably by the occupant of 38 Sully Terrace. The garage is separated from the side wall of that house only by a passage to the rear, perhaps 1m. wide. The wall has 2 windows, one to a landing and a small, secondary window to the main living area at ground floor. The proximity of the proposal might have impacted on the continued enjoyment of the house. However, contrary to initial reading of the scheme drawings, there are no new openings or windows proposed on the elevation facing No. 38 or in the roof. Overlooking and loss of privacy are unlikely and I do not foresee any material increase in activity, noise or disturbance over that which might normally be expected from the use of a large garage in this situation. The Council does not object because of the loss of car parking here and nor do I.
11. Having taken these and all other factors into consideration I have concluded that planning permission should be granted.
12. The Council has suggested a number of conditions, two of which would remove permitted development rights to prevent future uncontrolled extensions or alterations, including the insertion of windows in the rear and side elevation facing 38 Sully Terrace. Despite being called a studio apartment, the result would in fact be a dwellinghouse which would attract permitted development rights. Given its limited site, its confined nature and close relationship with neighbouring properties I consider such conditions are necessary and shall give effect to them. Another is a requirement to agree the details of a fence to be erected to divide the site from the remainder of 3 Alberta Close. The scheme only proposes this division 'if required'. I see virtue in allowing the space to remain open so that, when the studio apartment is not occupied, the residents of the house would have the benefit of the whole area. However, circumstances change and I have concluded that the separation is needed to safeguard the amenity of the occupants of both existing and proposed dwellings.

R G Gardener

Inspector

List of Conditions

- 1) The development hereby permitted shall begin not later than five years from the date of this decision.
- 2) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no windows shall be installed in either the north or east elevations without the prior written consent of the Local Planning Authority.
- 3) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), the studio apartment once completed in accordance with the approved conversion scheme shall not be altered or extended without the prior written consent of the Local Planning Authority.
- 4) Details of a scheme to provide a 2m. high means of enclosure on the southern boundary of the application site shall be submitted to an approved in writing by the local planning authority before the development commences and shall thereafter be put in place in accordance with the agreed scheme before the studio apartment is first occupied.