

ANDERSON AND ASSOCIATES (S.W.) Ltd.
Architectural Consultants Surveyors and Planners

39 High Street, Cowbridge
Vale of Glamorgan
CF71 7AE
Tel/Fax: 01446 772180

E-mail: isaac.ander.assoc@gmail.com
Web Site: www.anderson-architectural.co.uk
Your Ref:
Our Ref: IB/GB
26th April 2013

14 00860 FUL

Head of Planning & Transportation
Vale of Glamorgan Council
Dock Office, Barry Docks
Barry, CF63 4RT
FAO: S. RENNIE
Dear Sir,

D.E.E.R
RECEIVED
ACTION BY: <i>Adair</i>
NO: <i>P29</i>
ACK:

RECEIVED

02 MAY 2014

ENVIRONMENTAL
AND ECONOMIC
REGENERATION

Re: Re-Application for the erection of one small 3 Bed dwelling and single garage at West of Primrose Cottage, Penllyn, Vale of Glamorgan.

Background

Some 11 years ago (in 2003), we applied for outline permission for a dwelling on the above referred site, but this was refused.

Fourteen years before that, in 1989, the first application was made for one dwelling on the site, and this was also refused. Mr. Thomas R. Anderson (the founder of our Practice), in view of this, submitted an Appeal which was in turn dismissed.

Looking at the 25 year history of the site we can surmise that an injustice has been repeatedly committed with no reparation being received.

We see that the crux of the matter was the belief that a common drive for a third dwelling on that site, could produce such an **“unacceptable harm”** to the two existing old cottages on the site, that although in itself the proposal would comply with all planning rules, the **“perceived amenities”** of the residents would outweigh all other perceptions.

The objectors occupying the cottages did magnify the said harm to their amenities, if a dwelling at West of the site was approved, because this would mean that pedestrians and vehicles, would pass **“in front”** of their front cottages.

Their reasoning was and is, that their front gardens are **“private gardens”**, and passers by would **“unacceptably limit”** their enjoyment of the amenity given by their southerly facing gardens.

They pointed out that they did not have suitable amenity space at rear of their cottages. This is maybe true, but it is also true that when they purchased these cottages they knew very well this, and the fact that the Applicant did reserve the western part of the site (almost half of the whole site) for him to submit a subsequent application for a house and garage served by the existing entrance drive.

(Continued...)

(Continued...)

We believe on the fact that **this drive is a “common drive for the site, suitable for the common use of three dwellings”**.

This fact and the suitability of the proposed dwelling location had been confirmed at the time by the **“no objection”** comments of both: the Community Council of Penllyn, and the Highways Department of the Council.

The objections for this proposal where at the time extended to highlight that the builder’s lorries transporting materials, would **“unacceptably impact”** on their privacy and enjoyment of their front gardens.

Although the construction will take some time, we are now thinking to use a timber frame system that will shorten appreciably the time for construction, so this will be **temporary and short**.

The Council also mentioned the existence of a private footpath at South of the site. This is not affecting now and will not affect later the existing site entrance, as the path is within the adjacent site of Don-da Cottage, South of the application site, as shown on the enclosed Penllyn’s public footpaths map. Only **one additional car** will use the site entrance.

Our application for a 3 bed dwelling on the site would suit a mature couple living in the house with only sporadic visits from a daughter and granddaughter. They would like also to enjoy the amenities of the village, as much as the present occupiers of the site. Their company will not be the **great upheaval** pictured by the residents. The new comers would like to create friends and not foes, if they live together at this site.

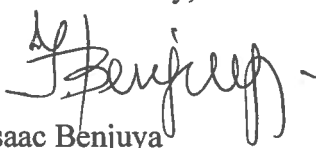
In this case, we believe that the rights of the residents should not outweigh those of other people, when they would like to have the right to enjoy living in the same community. We feel this fact is what we call to **have justice** on this issue.

For the above reasons we hereby enclose the following planning application documents:

- Four copies of the Full Planning Application Form duly completed.
- Four copies of the O.S. location map with the site edged in red.
- Four copies of our drawings 01 and 02 showing the site plan, floor plans and elevations of the dwelling.
- Design and Access Statement
- Our Client’s cheque in the sum of £ 330.00 in payment of the application’s fee.

We look forward to hearing from you.

Yours faithfully,


Isaac Benjuya

P.S. ALSO ENCLOSED ARE 2 PHOTOGRAPHS OF
INGRESSING AND EXITING THE SITE.

RECEIVED
02 MAY 2014
ENVIRONMENTAL
AND ECONOMIC
REGENERATION

Not
with doc?

Prichard, Yvonne J

From: Evans, Ruth <Ruth.Evans@cyfoethnaturiolcymru.gov.uk>
Sent: 26 August 2014 10:59
To: Prichard, Yvonne J
Cc: isaac.ander.assoc@gmail.com
Subject: RE: Penllyn proposed dwelling, fronting the access drive and road

Dear Yvonne,

Following the submission of additional information confirming that the sites foul drainage will be discharged to the existing DCWW sewer network, we can confirm that we remove our objection to the proposed development.

I refer you to our comments regarding surface water drainage and waste management also included within our response dated 31st July.

If you have any further queries, please feel free to contact myself

Many thanks

Ruth

Ruth Evans
Ymgynghorydd Cynllunio Datblygu - Caerdydd a Bro Morgannwg / Development Planning Advisor – Cardiff and the Vale of Glamorgan
Cyfoeth Naturiol Cymru / Natural Resources Wales
Ffon / Tel: 03000 653188
Gwefan / Website: www.cyfoethnaturiolcymru.gov.uk / www.naturalresourceswales.gov.uk

Ein diben yw sicrhau bod adnoddau naturiol Cymru yn cael eu cynnal, eu gwella a'u defnyddio yn gynaliadwy, yn awr ac yn y dyfodol.

Our purpose is to ensure that the natural resources of Wales are sustainably maintained, enhanced and used, now and in the future.

From: Isaac Benjuya [<mailto:isaac.ander.assoc@gmail.com>]
Sent: 18 August 2014 12:22
To: Developmentcontrol@valeofglamorgan.gov.uk
Cc: Evans, Ruth
Subject: Penllyn proposed dwelling, fronting the access drive and road

FAO: Mrs. Yvonne Pritchard

Dear Mrs. Pritchard,

Re: Proposed Penllyn dwelling, on site fronting the access drive and main road, and west of Primrose cottage

Further to the above please find attached our drawing 01(B), showing the foul drainage from the proposed dwelling connected to the existing public sewer's man-hole fronting the site entrance.

We are copying this information to Miss Ruth Evans of Natural Resources Wales, in reply to her letter dated the 31st July 2014.

We hope that now the objection from Natural Resources Wales can be removed, and the application for the construction of one dwelling on the site, can be supported.

Yours faithfully,

Isaac Benjuya
Anderson and Associates (S. Wales), Ltd.
39 High Street, Cowbridge, CF71 7AE
Tel: 01446 772180
www.anderson-architectural.co.uk

ANDERSON AND ASSOCIATES (S.W.) Ltd.
Architectural Consultants Surveyors and Planners

E-mail: isaac.ander.assoc@gmail.com
Web Site: www.anderson-architectural.co.uk
Your Ref:
Our Ref: IB/GB

39 High Street, Cowbridge
Vale of Glamorgan
CF71 7AE
Tel/Fax: 01446 772180

29th September 2014

Head of Planning and Transportation
Vale of Glamorgan Council
Dock Office, Barry Docks,
Barry, CF63 4RT

RECEIVED

03 OCT 2014

ENVIRONMENTAL
AND ECONOMIC
REGENERATION

FAO: Mrs. Y. Pritchard

Dear Sir,

Re: Erection of one dwelling at the development land west of Primrose and Pier Tree Cottages, Penllyn, Vale of Glamorgan

We would try to respond to the various letters of objection to this proposal, from neighbours of the site and others.

The last paragraphs in our Design and Access Statement, and its Addendum can be remembered here:

On 26th April 2014, we finished our DAS for the proposal saying: "We feel this proposal will benefit and enhance the local character of the site, and nearby area"
On 10th July 2014, we said: "We hope that the Council will see that justice should be made, and the historical objectors of a dwelling being permitted on the site, will realize that they were negating to others the benefit they have of living on this site, using inflated and unreasonable objections, against a truly adequate dwelling on the site, complying in full with all Planning norms and Policies. The proposal will not diminish their well-being, and in fact can produce a positive realization that new friends could be made on the site."

All the above was said before reading the letters of objection received recently, which we could only do last week. Historical objections to earlier similar proposals were received in the two previous applications for one house on the site, which were refused.

The objections are in general similar to those raised by the present occupiers of properties neighbouring the site.

Before replying to these here, we amended our Site Plan drawing 01 (C), attached. This we did in reply to the only reasonable comment of those receive. With this slightly amended drawing 01 (C), we have provided a wider entrance to the site, at the junction with the main
(Continued...)

(Continued...)

road, and also a wider drive in all its length up to the entrance to the proposed site. We have also shown the visibility at the entrance drive to be 2.4 x 18m.

We hope this will address the comments by the Highways Department concerning the width of the site entrance from the main road, and the width of the common drive for three dwellings, and existing visibility.

The reasons given on the objections are as follows:

1-“Narrow entrance to site”; 2-“narrow drive”; 3- “short visibility leaving site.”

These objections have been resolved on the site layout drawing 01 (C) attached. All vehicles can leave site in forward gear. Obviously this will be a bit “difficult” on certain days when the cars visiting the site occupy the whole of the drive, as shown on photographs provided by some objectors. Visibility is good at 2.4 x 18m in both east and west directions, as shown on the drawing. Therefore the factual visibility is not “2.4x 9m” as stated on one of the objections.

4-“The proposal will reduce the amenity to the existing cottages front gardens”. This objection is very controversial, and un-true, as the front gardens of the existing cottages are given the same type of quality of private amenity, as is normally and generally given to secluded rear gardens. The fact that the rear gardens of these cottages are reduced, should not explain why the occupants and also the Council have repeated this very controversial an inappropriate reason for objecting this proposal.

The truth is that this situation could be very easily resolved with good will. The residents could increase the height of screening their front gardens to say 1.8m or 2.0m high. Even if this is not done, nobody visiting the site will purposely look, for any length of time, inside these gardens.

5- “The site of the proposed dwelling is not appropriate or big enough for one dwelling”. This objection is contradicted by the fact that the proposed site complies with all relevant Planning norms and Policies. Its area is 580 sq.m. We feel the “well being” of the future occupants of the dwelling will be high having this size of gardens around the house, if left alone, and enjoying the vicinity of friendly neighbours, they and everybody will be happier.

6-“Loss of light to adjacent properties”. It is evident this is not the case, when the plans and elevations of the proposed dwelling are truthfully professionally assessed.

7-“Increased traffic generation exacerbating overspill parking from Village Hall and the Red Fox, and likely conflicts between pedestrians and vehicles due to the adjacent Public Footpath 24”. The proposed dwelling is provided with only one single garage. As we said on our covering letter, the development will be appropriate for an older couple (not “a fairy- tale one”), with one car. The sporadic visits of their relatives coming with their car can be easily accommodated on the site, having the generous area of parking near the single garage. Generally the additional use of the existing drive will be for one car only. Please see our related comment below.

8- “Backland development”. This must be an invention, but not a planning literate person one. The site is not back land, at the contrary, it is fronting the main entrance to the common drive form the main road. And it is seen from this main road, as opposed to the facts concerning the adjacent dwelling, at south, “The Shrewsbury”, which is a real (and not imagined), “back land development.” Not only this is true but it is also compounded by the presence of the Public Footpath 24. Have thoughts arisen in the past concerning the “problems between pedestrians and vehicular traffic” at the time of this dwelling’s approval and erection?

(Continued...)

RECEIVED

03 OCT 2014

ENVIRONMENTAL
AND ECONOMIC
REGENERATION

(Continued...)

9- "Tandem development" (?), "with adverse impact on amenities of the village" (?), "infilling" would be out of keeping with the village and land should be protected". This is the objection reported on item 2, received from the planning officer's list dated 22/08/2014. We believe this objection is answered on the above point 8-, were we would have thought this objection should have been directed to the Planning application for the erection of the dwelling "The Shrewsbury"?

The occupant of The Shrewsbury sent another letter to the Council with despicable accusations to our Practice.

So we see here the very bad and un-neighbourly attitude of certain occupiers of adjacent houses, towards this very appropriate and Planning compliant proposal.

10- "Trees and Ecology issues along the site boundaries, and site itself".

We have submitted the Trees and Ecological Reports to the Council, as requested.

In these Reports there are no "issues" highlighted, or any other negative factor attached to the application.

10- Concerning item 3 and subsequent four items highlighted in the objections summary list provided by the planning officer (attached), we can reply as follows: "Adeverse effect on neighbouring amenity including:

"Loss of privacy due to proximity to other houses".

We do not understand on what factual reason this objection is based. The proposed dwelling is well away from any house on the site, and on adjacent sites.

Another two more type of objections follows here, already replied above: "invasion of privacy to the front gardens" and "adverse effect on right of light", we have seen that the impacts implied are non existent, and are exaggerated distortion of genuine planning requirements concerning amenity standards, than can easily be resolved.

The following objection concerning "overdevelopment, intensification of residential development affecting neighbour amenity and insufficient open space around the proposed dwelling", items already replied to, that are imaginative and an exaggerated fantasy.

The item 4 in the summary list of objections say: "Loss of mature trees and ecology". We can say here that no loss will ensue.

Item 5 of this list says: "Concerns over utility and services accessibility". All relevant utilities and services are accessible and available to the dwelling, and will have no permanent impact on neighbours, apart from the normal time to provide them, all as standard for connections to a new house.

On item 6 of the list: "Encroachment on boundary". We can not understand where is this supposed encroachment ?.

Item 7 says: " No change from previous refusal and therefore should be refused". The present proposal shows clearly the dwelling plans and elevations, and the site plan drawing 01 (C) also shows the improvements proposed for the site entrance and the drive, which address the comments by the Highways Department.

The two further pints made on the list concern: the former site plan, drawn before receiving the accurate topographical survey of the site, which is now enclosed.

Item 9 the last of the list says that "the proposal has blighted the sale of Pear Tree Cottage and would affect the valuation of the cottages"

From our reply to item 7 of the list summary received from the planning officer, we can say that the use of the drive would be equal to the other cottages. We believe that giving the same allocation of cars to each of the three dwellings is justice itself, and this can't be denied.

ANDERSON AND ASSOCIATES (S.W.) Ltd.
Architectural Consultants Surveyors and Planners

39 High Street, Cowbridge
Vale of Glamorgan
CF71 7AE
Tel/Fax: 01446 772180

E-mail: isaac.ander.assoc@gmail.com
Web Site: www.anderson-architectural.co.uk
Your Ref:
Our Ref: IB/GB

3rd October 2014

Head of Planning and Transportation
Vale of Glamorgan Council
Dock Office, Barry Docks,
Barry, CF63 4RT

FAO: Mrs. Y. Pritchard

Dear Sir,

**Re: Proposed dwelling fronting the main road, and west of Primrose cottage,
Penllyn, Vale of Glamorgan**

Further to the above we would now comment the reasons for refusal of a similar application for the site, made on 2003.

The refusal of application No: 03/01625/OUT was based on two paragraphs. Paragraph 1 wrongly called the proposal a "backland development". We hope the inaccuracy of this statement is now clear.

The present proposal does not constitute a backland development, because it is not at rear of any existing properties. Further to this, the dwelling will be clearly viewed from the main road entrance and it fronts directly the access drive to the site.

The semi-detached cottages on the site were built some 100 years ago or more. At that time traffic was minimal, and they could park one car each, away from the drive, and in front to their garage.

By the year 1989 the situation concerning ownership of a car had completely changed, and households had at least two cars to park. As the cottages had no space to park them, and the drive was narrow, cars were parked on it, and fronting the presently proposed site.

The area of the proposed site is roughly 580 sq.m. The area of the remainder of the total site is 632 sq.m., including the drive. If we deduct the drive's area (140 sq.m.), the result is that the total area of the two cottages together is 492 sq.m.. So each cottage site area is only 246 sq.m.

(Continued...)

(Continued...)

We can see here the main problem affecting the site. This is that less than half of it (42%) has until now prevented rightful development on the other 58% of the site, which at this moment is kept frozen for development.

This is a very un-justly situation that the Council has upheld for almost 25 years.

Through these years, extensions to the cottages have been provided, diminishing drastically their rear gardens. This is why the occupants up-hold the amenity of their front south facing gardens, as they have left no rear private gardens of any amenity value.

This situation has occurred by the decision of the historical occupants of the cottages, whom they regarded not only their front garden as their only amenity space, but also the front drive as an extension of their property. This has now become a very irregular, unfair and wasteful situation, against all existing Planning rules and Policies concerning amenity and parking. We request this situation to be regularized, and good reason and adherence to existing Planning rules is now respected. Particularly with the present urgent need for good housing for all, including older couples.

Our proposal complies with all existing Planning Policies, including Policy ENV 27, HOUS8, and Supplementary Planning guidance "Amenity Standards" and Planning Policy Wales. These were shown as one of the two reasons for refusal....

The other item 2 of the refusal notice say that the proposal would be "detrimental to highway safety, producing intensification of use of the existing substandard access and the likely conflicts between pedestrians and vehicular traffic due to the existing Public Footpath running adjacent to the site." And this item finishes again mentioning Policies ENV 25 (now ENV 27), and HOUS 9 (now HOUS 8) of the UDP.

To the reference to highway safety concerning intensification of vehicular use, we would remind ourselves that the proposal only cater for one single garage, and normally only one car will be used by the occupants of the dwelling. The exception will be when their family visitors sporadically visit the site. Even in this circumstance, the proposal will provide parking space for two vehicles within the site.

The other reason for objection within this item 2 of the refusal notice, are "the likely conflicts between pedestrians and vehicular traffic because of the adjacent existence of the Public Footpath 24 within the grounds of the adjacent properties at the south of the proposed site: these are "Dom Da Cottage" at its front, and "The Srewsbury" (or "The Srubbery"), at rear.

We wanted to walk along this Public Footpath yesterday, and when we reached the gate giving access to the west, we could not open the gate and continue our walk, because a very angry and vociferous dog was barking and threatening. The lady of the property came out and asked us to come in, but the dog would not come down, and we desisted to continue. Our point is that if circulation along the Public Footpath is affected in this way, there will be no "conflicts between pedestrians and vchicles at this location"...

(Continued...)

(Continued...)

From the above we can conclude that a planning compliant proposal was refused, in favour of existing non compliant properties on the site.

We have tried to see some solutions to the reasons for refusal.

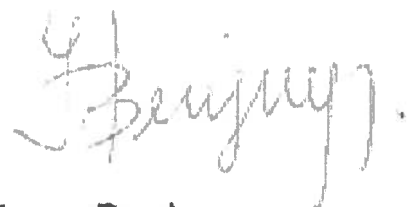
One of these has already been mentioned before. This is that the occupants of the cottages could increase their privacy within their front gardens, increasing somewhat the height of their front boundaries (as per Supplementary Planning Policy "Amenity Standards").

Concerning the parking restrictions existing for the cottages, we would suggest that their cars parked fronting their garages, could have their turning facility in rear gear, using the openness of the entrance to the proposed site. We don't envisage providing a gate for the new property, and therefore cars could use a better space for turning when they leave the site.

Any additional vehicle visiting the existing cottages could use parking at the P.II. in front.

We hope these possibilities will show a way to ease the existing problems of amenity and parking affecting the cottages on the site.

Yours faithfully,



Isaac Benjuya

ANDERSON AND ASSOCIATES (S.W.) Ltd.
Architectural Consultants Surveyors and Planners

39 High Street, Cowbridge
Vale of Glamorgan
CF71 7AE
Tel/Fax: 01446 772180

E-mail: isaac.ander.assoc@gmail.com

Web Site: www.anderson-architectural.co.uk

Your Ref:

Our Ref: IB/GB

10th October 2014

Head of Planning and Transportation
Vale of Glamorgan Council
Dock Office, Barry Docks
Barry, CF63 4RT
FAO: Mrs. Y. Pritchard

Dear Sir,

Re: Proposed house at site fronting the road, and west of Primrose cottage, Penllyn

Further to the above we respectfully request that our past letters, including the present one, are copied to the Councillors of the Planning Committee Meeting determining this application.

We would like to inform you that we will implement the request received from the Highways Department, to undertake a "speed count", to determine the speed of vehicles passing the entrance of the site along the main road. The count will be undertaken for one week, and the resulting data will be sent to the Highways officer, Mr. Lee Howell, for his information.

The highway's improvements shown on our site layout drawing 01 (C) propose the widening of the site's entrance width to be 5.50 m. It will also improve the minimum width of the site's access drive to 4.50 m. These improvements will benefit all properties on the site.

The above improvements will also (it is hoped), remove an existing irregular parking of a car facing Pear Tree cottage, thus reducing any danger to pedestrians and traffic accidents, as this car may exit the site in rear gear, against highways main requirements.

We would also note that of the many unfair objections received against this proposal, a photograph (supposed to show the site full of some 6 or 7 parked cars along the length of the drive), also shows what we think is the real feeling of the occupiers of the site, the feeling that they do not want others to have the same rights they enjoy of living in this area, and that the site would not be appropriate for the proposed house, as it would not have any facility for one car entering or exiting the site.

The existence of the public footpath at just south of the site, in the grounds of the neighbouring properties: Dom Da, and The Shrubbery.

(Continued...)

(Continued...)

was one of the reasons for refusal of a similar application made in 2003. Because “it would create likely conflicts between pedestrians, and vehicular traffic”.

As informed on our letter of 3rd October 2014, we have tried to walk along this footpath but we were prevented of doing so by a barking and threatening dog, appearing loose on the grounds of the backland house, The Shrubbery.

In these circumstances it is difficult to see that this footpath would be very much frequented.

Finally we would like again to say that the above proposal complies with all planning and highways policies, and if approved, it will enhance the local environment, showing that justice is made and that the Council cares for an equalitarian and democratic treatment of all proposal’s applicants and neighbouring properties.

Yours faithfully,

Isaac Benjuya

O'Keefe, Kevin T

From: Isaac Benjuya <isaac.ander.assoc@gmail.com>
Sent: 15 October 2014 13:08
To: Planning & Transportation (Customer Care)
Cc: t.cousins@valeofglamorgan.gov.uk; Howells, Lee M
Subject: Proposed house fronting the main road and drive, and west of Primrose cottage, Penllyn

D.E.E.R
RECEIVED
ACTION BY: JMC YP
NO: P359
ACK:

FAO Mrs. Y. Pritchard

Dear Mrs.Pritchard,

Yesterday I read on line (for the first time, as they were not included before), the comments (objections), of neighbours concerning the above application.

We find that to be fair, our comments replying to these letters of objection should also be included on your web site, for all to be able to read them and therefore receive balance information concerning the above.

Until such inclusion can be made available on line, the Council could be found failing to address and treat all applications in a fair, impartial and democratic way.

The above applies in particular in the case of the present application, as It has been decided that the proposal will be determined by the Planning Committee. In this circumstance, would the Councilors of the Committee have the opportunity of reading our letters and E-mails in reply to the objections received, as they are not yet included within the relevant on-line information...?

We would respectfully request the Councilors to visit the site. They will then see and appreciate the general unfairness of the objections received. These are based on erroneous, non existent and false comments of fact. The objectors do not wish for others to enjoy the benefits they enjoy by living in this area.

The prospective occupiers of the proposed house are indeed very gentle retired people, who have good friends in the village, and would also like to enjoy being near the Public House, for meals and friendly gatherings.
Only one of this couple can drive, and they use only one car.

We are appalled by some of the objector's attitude in their letters. They imagine and throw all kinds of inaccurate and false claims, which we have tried to highlight as such in our letters and E-mails of reply.

The truth is that the proposal is not what these objectors perceive. At the contrary, it is a clean, humble, and planning compliant proposal, that will enhance the site and the nearby context area of Penllyn.

We will be obliged if you could include the present E-mailed information for the attention of the Councilors in the Planning Committee, together with copy of all our previous letters and E-mails concerning this proposal. We thank you in advance for this.

Yours faithfully,

RECEIVED

16 OCT 2014

ENVIRONMENTAL
AND ECONOMIC
REGENERATION

Isaac Benjuya B.Arch. MCIAT
Anderson and Associates (S. Wales), Ltd.
Architectural Consultants, Surveyors & Planners
39 High Street, Cowbridge, CF71 7AE
Tel: 01446 772180

www.anderson-architectural.co.uk

P.S. a) I will also inform you that we have arranged for a speed count data along the main access road serving the above site. This has been requested by Mr. Lee Howell, of the Highways Department, and it is

already in place. The results will be available by the 21st October, 2014, at the latest.

b) There are objections that were first raised (i.e. from Natural Resources Wales) and recorded on line, that have now been removed concerning the foul drainage, now to be connected to the public sewerage.

The objection's removal is not yet being recorded on line, on the Council's web page...