

DPS 14/00840/PLA

Y Swyddfa Gymreig

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Mr T R Anderson ARIBA ARICS
Chartered Architect and Surveyor
39 High Street
COWBRIDGE
South Glamorgan
CF7 7AE

Eich Cyf/Your reference
TRA
Ein. Cyf/Our reference
P72/1477
Dyddiad/Date

10 OCT 1989

Sir

TOWN AND COUNTRY PLANNING ACT 1971, SECTION 36 AND SCHEDULE 9
APPEAL BY MR GLYN WATTS JONES
APPLICATION NO:- 89/00037/OUT

1. As you know, I have been appointed by the Secretary of State for Wales to determine your client's appeal against the decision of the Vale of Glamorgan Borough Council to refuse outline planning permission for the proposed construction of one private detached dwellinghouse with garage on land to the west of Pear Tree Cottages, Penllyn, South Glamorgan. I have considered the written representations made by you and by the Council and also those made by interested persons. I inspected the site on 25 September 1989.

2. From my inspection of the appeal site and its surroundings and from the representations made it appears to me that the main issue is whether the proposed development would have so harmful an impact on the residential amenity at present enjoyed by the occupiers of adjoining dwellings as to warrant a refusal of planning permission.

3. It is accepted that the appeal site lies within the recognised settlement limits of Penllyn and is of sufficient size to accommodate a single dwelling and garage. Nevertheless the appeal site does not have any frontage to a public highway so the proposed development can in my opinion be regarded as back land development since any pedestrian or vehicular traffic to the site must pass along the private drive across the frontages of Pear Tree Cottage and Primrose Cottage. Furthermore although the proposed dwelling would not be behind the rear boundary of the 2 cottages it would still be to the rear of them in relationship to the public highway running through Penllyn and can be considered as being tantamount to tandem development since it would have to share the same access.

4. The guidelines for the tandem development of back land are set out in the ministerial pamphlet "Development Control Policy Note No.2" published in 1969. These guidelines emphasise that such development is generally unsatisfactory because of the difficulties of access to any dwelling at the rear and the disturbance and lack of privacy that would be suffered by the occupants of the dwellings in front of the plot. In this particular case I note that the 2 cottages have been refurbished and an extension at the rear leaves them with very little rear garden space so that the only effective garden amenity areas in which the occupants can relax and enjoy the fresh air are the small garden areas at the front of the cottages. In my opinion the pedestrian and traffic movements that would be generated by the occupants of the proposed dwelling, together with that of visiting relatives or friends and also that

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from calling tradesmen or salesmen, would be very disturbing to the occupants of the 2 existing cottages because all that traffic would have to pass along the private driveway adjoining the front garden areas and in very close proximity to the windows of the habitable rooms of the cottages. In my view such activity would result in an unacceptable loss of privacy and amenity to the occupiers of the 2 cottages and it would make the area a much less pleasant place in which to live.

5. I realise that residential development has been permitted both to the north and south of the appeal site but neither of those developments has given rise to a serious loss of privacy and amenity to occupiers of existing dwellings as would be the case with the appeal site development. I sympathise with your client's desire to develop his land and I appreciate that he has reserved a right of way over the driveway but in my opinion the planning objections to the proposed development override the normal presumption in favour of allowing applications for development.

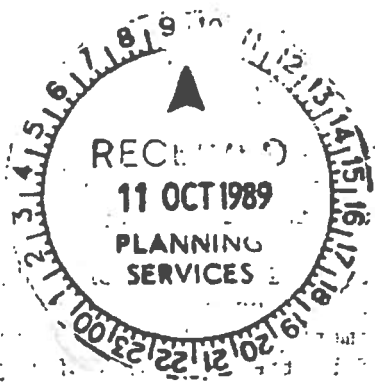
6. I have taken into account all the other matters raised in the written representations but they do not outweigh the considerations that have led me to my decision.

7. For the above reasons, and in exercise of the powers transferred to me, I hereby dismiss your client's appeal.

I am Sir
Your obedient Servant

G Sloan

G SLOAN ARICS-MQB
Inspector



PLANNING SERVICES DEPT.
No. 12583
ACK.
ACTION BY <i>[Signature]</i>
COPY
FILE

*Rgd to copied
To NG for plotting
24-10-89 TG*

[Signature]

14/00840/FUL'B,

Mr Glenn Haley
Primrose Cottage
Penllyn
Cowbridge
CF71 7RQ

30 July 2014

Mrs Y J Pritchard
Head of Planning Department
Vale of Glamorgan Council
Dock Office
Barry Docks
Barry
CF63 4RT



Dear Mrs Pritchard

**RE: TOWN AND COUNTRY PLANNING ACT (AS AMENDED)
APPLICATION NUMBER: 2014/00840/FUL/YP
PROPOSAL OF 3 BED DWELLING**

We refer to your instructions dated 16 July 2014 reference P/DC/YP/2014/00840/FUL and wish to raise the objections listed below. Due to the serious concerns, we confirm this matter should be heard by a full planning committee not under delegated powers.

HIGHWAYS OBJECTIONS

In 2003 an application was made for the construction of one house on land west of Primrose Cottage, Penllyn and at the time the Highway Authority made the following comments:

Re land adjacent to Primrose Cottage

Further to a recent site inspection regarding the above application the Highway Authority would advise that there is a highway objection to the submitted proposals based on the following:

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Mrs YJ Pritchard

- (1) *The access as proposed (existing) lacks sufficient frontage to provide adequate Vision splays to serve further development and would create traffic and pedestrian hazards to the detriment of highway and pedestrian safety.*
- (2) *The width of the existing driveway identified on the submitted plan does not appear to meet the Highway Authorities minimum requirements of 4.5m to facilitate two-way movements on a shared driveway.*

The proposed additional use of the existing substandard access will create increased traffic hazards

- (3) *The Highway Authority would also advise that there is an existing Public Right of Way – Footpath 24 running adjacent to the site and the neighbouring property (Dom da Cottage)*

This will again create conflicts between residents and the general public to the detriment of public safety.

Planning permission was refused in 2004. One of the reasons for refusal stated that:

- 2 *The proposed development would be detrimental to highway safety, by virtue of the intensification of use of the existing substandard access and the likely conflicts between pedestrians and vehicular traffic due to the presence of a Public Footpath that runs adjacent to the site. The proposal would therefore be contrary to the objectives of Policies ENV25 and HOUS9 of the Vale of Glamorgan Unitary Development Plan Deposit Draft 1998 (as amended 2003).*

Recently a new proposal (Application 2014/00840) has been submitted and these comments will examine whether the reasons for refusal raised in 2003/4 by the Highway Authority are still pertinent and have been addressed by the Applicant.

1. Proposed Access

The proposal is to use the existing access that serves Primrose and Pear Tree Cottages. On the plan submitted no improvements have been proposed to increase the width to 4.5m as identified by the Highway Authority in 2003/4. It is understood that this standard set by the Highway Authority to facilitate two way movements on a shared driveway has not changed.

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Manual for Streets and WAG TAN 18 both published in 2007 provide guidance on minimum visibility splays. Roads with a 30mph speed restriction such as in Penllyn require visibility splays of 2.4 x 40m. The visibility splay available is around 2.4 x 9m in both directions which is suitable for vehicle speeds of 10mph (TAN18 Annex B Table B).

It should be noted that a recent application for three houses in the garden of Kendall House, Penllyn includes significant improvements to visibility from the access lane.

The proposed property will generate additional trips on the driveway. TRICS data which provides information on trips generated by different land-uses shows trips per private dwelling are in the order of 6 per 12hr day (3 in and 3 out). This data has been collected from sites that are well served by public transport. Penllyn is not well served so trips generated by the proposed house will be significantly higher.

2. Traffic and Pedestrian Hazards

The Red Fox Public House is located a short distance north of the access to the proposed development. Customers park regularly on the main road causing traffic from the north of the village to use the opposing lane. There are no footways on the main highway so the lack of visibility from the access to the proposed development in the direction of The Red Fox will increase hazards for vehicles and pedestrians. (See Appendix 6&7)

Footpath 24 runs adjacent to the existing driveway serving Primrose and Pear Tree Cottages. The proposed development will generate additional traffic using the driveway and increase hazards for people entering and leaving the footpath.

3. Conclusion

The comments made by the Highway Authority on the earlier application continue to be relevant. The significant increase in traffic that will be generated by the proposed development will require improvements to the width of the driveway and the visibility splay.

The planning application includes no proposals to improve the driveway width or the visibility splays so there will be a significant increase in traffic hazards to the detriment of pedestrian and highway safety.

In view of the substandard access and the potential conflict between pedestrians and vehicular traffic the Planning Authority is requested to refuse granting approval

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for this proposal.

PLANNING - UDP

The village of Penllyn in the current development plan has no boundaries, therefore "rounding off" does not apply.

The subject development land, is land in the open countryside in a rural village and should be protected.

The zoning and planning principles have not changed since the last planning application in 2004. Conditions on site have not changed since 2004, therefore this application should be rejected.

The refusal notice in 2004 conditions are the same now, quote:

1. *"The proposed development would constitute an unacceptable form of backland development, which would result in an unacceptable harm to the amenities and privacy of the occupiers of the adjacent dwellings.*
2. *The proposed development would be detrimental to highway safety, by virtue of the intensification if use of the existing substandard access and the likely conflicts between pedestrians and vehicular traffic due to the presence of a public footpath that runs adjacent to the site."*

ANDERSON AND ASSOCIATES REPORT

Anderson and Associates report is factually incorrect. When scaling the plan it shows the opening of pillars to the main road entrance of 2.8m, in fact the opening was widened ten years ago to 3.9m, as the driveway was congested, dangerous and difficult to ingress and egress (please see appendices 1, 2, 3 & 4).

Anderson's fairytale story "the couple already had their golden anniversary" suggesting the occupants would only have one motor car, is nonsense. Any couple retired or otherwise will have two motor cars (as is standard in the village), and if they have teenage children there might be four motor cars in the family (this is also common of most families in the village). Two to four more cars running up and down the driveway will create danger for motorists, cyclists and pedestrians along the very narrow, short drive.

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There is no provision to widen the access in ownership of the entrance to the land.

The driveway next door serves only two dwellings (not three) and is much larger and does not face the dwellings main gardens. It also serves as a public footpath.

Andersons scale plan shows the land as 220m², it is incorrect as in the last planning application they overstated it to 950m² in fact it is 544m², in any case too small for the proposed development.

OBJECTIONS RAISED

1. Highways:

As previously stated.

2. Existing Driveway:

- a) The driveway is too narrow and congested already and further vehicles will not be practicable or sustainable and will cause danger to motorists, cyclists and pedestrians
- b) The cottages do not have facilities for cars to turn and egress in a forward gear
- c) There will be traffic problems for Forrest Cottage which is in line with the driveway.

3. Loss of Amenity:

The main gardens to Primrose Cottage and Pear Tree Cottage face the driveway. The proposal will cause loss of amenity, privacy and enjoyment. The cottages have very small side gardens, the principal gardens are at the front. (please see appendix 5). The traffic would be in close proximity of the habitable room windows of the cottages.

4. Subject Land:

The land is too small to support the proposal and the existing driveway will not support three more motor cars.

5. Trees and Ecology:

The land has an ash tree and a sycamore tree of 40 years each and various wildlife living within should be protected. There are 14 different types of plant species, which should also be protected.

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It is believed the hedgerows contain bats or rare species which should be protected.

6. The backland is open space, any development would be out of character of the rural village. It is land in the open countryside.
7. The existing access to the plot is unsuitable for contractors deliveries, machines and is not suitable for emergency vehicles such as a fire engine.
8. We believe there will be a loss of privacy, light, and open areas and vitally unsuitable road access, narrow driveway, building in tandem – Planning Policy Wales 2014 Para 9.2.13, lack of turning area, is most therefore unacceptable.
9. Services:

There are no services to the site, which is unpractical. Any excavations would cause unreasonable disturbance to the cottages and a danger to motorists, cyclists and pedestrians.
10. The proposal has blighted the impending sale of Pear Tree Cottage and would affect the valuation of the cottages.

Yours sincerely



Glenn Robert Haley Bsc MRICS
Chartered Surveyor

[The Appendices referred to are available on file for Committee members inspection]

14/00840/FUL'B₇

Mr & Mrs. P. J. Handley
Northwood House
Penllyn
Cowbridge CF71 7RQ

Mrs Y. J Pritchard
Planning and Transportation Dept
The Vale of Glamorgan Council
Dock Office
Barry Docks, Barry
Vale of Glamorgan CF63 4RT

1st August 2014

Also by email to: developmentcontrol@valeofglamorgan.gov.uk

Dear Mrs Pritchard,

Re: Town & Country Planning Act, 1990 (as amended)

Application No. 2014/00840/FUL/YP

Location: Development plot facing the road, west of Primrose Cottage, Penllyn

We write in connection with the above outline planning application submitted for the construction of one detached 3 bed dwelling and garage west of Primrose Cottage, Penllyn, Vale of Glamorgan.

We strongly object to the application and believe a number of material considerations mitigate against any presumption of planning permission being granted, a number of which are set out below:

- **Adverse impact on the Highway (1)** - We believe the development will have a significant and adverse impact on the narrow country lane highway given the additional traffic generated by the proposal in terms of both the construction phase and the permanent use, as well as the poor physical vehicular access to and from the site, which has inadequate vehicle turning provision.
- **Adverse impact on the Highway (2)** - We believe the development will have a significant and adverse impact in relation to the access across the narrow driveways of both Primrose Cottage and Pear Tree Cottage, with the frontage of each of these cottages being a mere 6—7m from the narrow access driveway. We also have concern over increased risk of harm to those using said driveway and to the increased traffic congestion around Primrose Cottage, Pear Tree Cottage and Forrest Cottage (directly opposite proposed access).
- **Adverse impact on the Highway (3)** – We strongly disagree with the Anderson and Associate claim that *“the persons’ living in this property maybe a couple that have already had their golden wedding anniversary”*. Penllyn is a rural village with no general store, no shop, no medical facilities, and no regular public transport service. It is an affluent community with the vast majority of residents having a minimum of 2 motor cars. This proposal is for a detached 3 bedroom dwelling, therefore the likely occupier will be a middle class, professional couple, with maybe 2-3 children. Therefore there may be up to 5 motor cars in their family. This will have a significant and detrimental impact in relation to the access across the narrow driveways of Primrose Cottage and Pear Tree Cottage. We also have concern over increased risk of harm to those using said driveway, to the increased traffic congestion around Primrose Cottage, Pear Tree Cottage and Forrest

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Cottage, to the danger created for motorists, cyclists and pedestrians using the narrow driveway and to those using the public right of way that runs parallel to the narrow driveway.

- **Adverse impact on Emergency Vehicle access** – The narrow driveway access across Primrose Cottage and Pear Tree Cottage is already congested. A further development in the area would significantly enhance the congestion and have an adverse impact on the ability for emergency vehicles, such as ambulance and/or fire engine to reach the properties of Primrose and Pear Tree cottages. Furthermore we have concerns on the very limited and restricted access that would be allowed for any emergency vehicles to access the proposed new development.
- **Utilities / Services Accessibility:** - There are no utility services to the proposed site. It is our understanding that the proposed dwelling would have the services of a septic tank. We question where such a septic tank would be sited as, a) the plot is of a very limited foot-print size and, b) the plot is flanked by established dwellings to its front and to both sides. If the septic tank is to be sited in the small rear garden, would there be enough space between the proposed dwelling and the septic tank (under EU regulations)? Furthermore, given that access to the proposed dwelling is across the narrow driveway of Primrose and Pear Tree cottages, how would the septic tank be emptied and the foul sewage disposed of, as there is no safe ingress and egress for a tanker lorry.
- **Intensification** -The proposed dwelling would constitute an undesirable intensification of residential development and would reduce to an unacceptable level the amenities and privacy enjoyed by neighbouring properties in general.
- **Loss of privacy** - We believe that there will be considerable and unacceptable loss of privacy due to the proximity of the proposed development to our property at Northwood House, Penllyn, as it is planned to be a mere 9m or so from our property, which has x3 rooms with windows (at ground level) and x2 skylights (at upper floor level), which would reduce to an unacceptable level to levels of both amenity and privacy enjoyed by our property.
- **Adverse effect on right to light** - Our garden is south-west facing, therefore, should the development be allowed, the sun will be blocked out for the majority of the day from our garden, and there will also be a loss of light to the x3 rooms that have windows on the south facing 'pine end' adjacent to the proposed two story development.
- **Insufficient Building Plot Size** - We do not believe that the plot is suitable for the development proposed and it will not provide sufficient open space around the proposed dwelling. (Please also see point of note re: sighting of septic tank and the restricted access for emptying same at 'Utilities / Services Accessibility' as previously outlined above).
- **Tandem Building** — We believe that the proposed application will constitute a tandem development that will have an adverse impact on both Primrose and Pear Tree cottages and to the surrounding area (properties, amenities and highway).
- **Adverse impact on the amenity of the area** - The site should be preserved as open space back-land, and any infilling would be out of character and out of keeping with the rural village. Accordingly any such development would significantly harm the visual and environmental amenity of the area, including important gaps, vistas, frontages and open spaces. There would also be

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significant harm to the relationship of the area to adjacent or linked green areas, which add to the character of the locality and or relieve the monotony of the built form, including loss of trees and other natural features.

In addition to the planning objections we have raised above we should be grateful if the following general observations on the decision process could be taken into account.

Loss of mature trees and ecology — The land has a number of mature trees which would have to be felled. There are also various plants, hedgerows and undergrowth, that are home to small animals and bats, all of which should be protected.

Committee Decision - Given the level of local objection it is important that individuals are given the opportunity of making oral representations to the Planning Committee either personally or through the local ward member. Accordingly we request that the application should not be determined by officers under delegated powers, but should be determined by Committee. As such we respectfully request that the same be determined by Planning Committee.

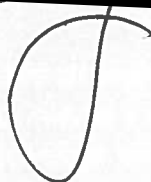
Site Visit - Given a number of the objections relate to the physical restraints of the site in accommodating the proposed development, as well as the adverse highways and amenity impacts, a site visit of the Planning Committee will be essential for it to have a real feel for the issues first hand before any determination. As such we respectfully request that the Planning Committee carry out a site visit to determine same.

Conclusion: It is our belief that the proposed development would constitute an unacceptable form of backland development, which would result in unacceptable harm to the amenities and privacy of the occupiers of the adjacent dwellings. Furthermore the proposed development would be detrimental to highway safety, by virtue of the intensification of use of the existing substandard access and the likely conflicts between pedestrians, and vehicular traffic due to the presence of a public footpath that runs adjacent to the site. Together with those objections raised herein, we believe that there are a number of other objections and reasons that may be raised, and hope that the written recommendations by officers' within the forthcoming report to Committee will be that of refusal.

Yours sincerely

Philip Handley

Mr & Mrs. P. J. Handley



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

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Web Site: www.anderson-architectural.co.uk
Your Ref:
Our Ref: IB/GB

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
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(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 from 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?

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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.

14/00840 / JMC¹₄

O'Keefe, Kevin T

From: Isaac Benjuya <isaac.ander.assoc@gmail.com>
Sent: 03 October 2014 08:45
To: Planning & Transportation (Customer Care); Howells, Lee M
Subject: Proposed dwelling facing the road, and west of Primrose cottage

FAO: Mrs. Y. Pritchard

Dear Mrs. Pritchard,

We would like to correct an inaccuracy on our letter of 29th September 2014.

This refers to the visibility of vehicles exiting the site. We said that this was 2.4 x 18m to the **east and west...**
We should have said: visibility is 2.4 x 18m **to the north and south...**

We apologize for this inaccuracy.

Isaac Benjuya
Anderson and Associates (S. Wales), Ltd.
39 High Street, Cowbridge, CF71 7AE
Tel: 01446 772180

D.E.E.R
RECEIVED
ACTION BY: JMC YP
NO: 859
ACK:

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

39 High Street, Cowbridge
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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...)

14/00840 /FV 'C'₆

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 vehicles at this location"...

(Continued...)

14/00840/FVLC

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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.11. 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,

[Redacted signature]

Isaac Benjuya

14/00840/PUL 'C' 8

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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...)

14/00840/FVL'ca

(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