
Penderfyniad ar yr Apêl

Ymweliad â safle a wnaed ar 16/07/15

gan **Richard Duggan BSc (Hons)**
DipTP MRTPI

Arolygydd a benodir gan Weinidogion Cymru

Dyddiad: 14/08/2015

Appeal Decision

Site visit made on 16/07/15

by **Richard Duggan BSc (Hons) DipTP**
MRTPI

an Inspector appointed by the Welsh Ministers

Date: 14/08/2015

Appeal Ref: APP/Z6950/A/15/3027435

Site address: Plot West of Pear Tree Cottages, Penllyn, Vale of Glamorgan

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 Glyn Watts Jones against the decision of The Vale of Glamorgan Council.
 - The application Ref 2014/00840/FUL, dated 27 April 2014, was refused by notice dated 24 October 2014.
 - The development proposed is described as "construction of one detached 3 bedroom dwelling and garage west of Primrose Cottage, Penllyn."
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Decision

1. The appeal is dismissed.

Main Issues

2. I consider the main issues in this case to be the effect of the development on the character and appearance of the area, and on the living conditions of the occupiers of Primrose Cottage and Pear Tree Cottage through loss of privacy and disturbance.

Reasons

Character and appearance

3. The appeal site is located within the centre of the village of Penllyn and to the rear of two existing houses known as Primrose Cottage and Pear Tree Cottage. Access into the site would be via a shared private drive that runs from the public highway passed the front gardens of the two cottages. The site was historically part of the garden curtilage of Pear Tree Cottage, and although it is not strictly located to the rear elevation of the cottage it is, nonetheless, to the rear of the cottages and set back off the main highway. As such, the site should be regarded as 'backland' since any vehicular or pedestrian movements to the site must pass along the private drive and across the front of the two cottages. I am also of the opinion that it amounts to 'tandem' development in that it would consist of one house immediately behind another and sharing the same access.

4. As there are dwellings located immediately to the north and south of the appeal site the development of an additional dwelling would result in the filling in of a gap resulting in a line of four detached dwellings sited at an equal distance away from the main highway running through the village. Even though it would be classed as backland development the erection of one dwelling would not appear as an incongruous feature within the street scene or be out of character with the surrounding pattern of development. I am also of the opinion that a two-storey dwelling on the appeal site would not, in itself, have a significantly harmful impact on the character and setting of the adjacent cottages or bungalows to warrant refusal.
5. In this context, the proposed dwelling would not have a harmful impact on the character and appearance of the area, and I find no conflict with Strategic Policies 1 and 2 or Policies ENV27, HOUS2, HOUS8 of the adopted Vale of Glamorgan Unitary Development Plan (UDP), 2006 insofar as they are relevant to the first main issue.

Living conditions

6. Planning Policy Wales (PPW) Edition 7 states that tandem development consisting of one house immediately behind another and sharing the same access may cause difficulties of access to the house at the back and disturbance and lack of privacy to the house in front, and should be avoided.
7. During my visit I noted that both Primrose Cottage and Pear Tree Cottage have little or no garden space to the rear which means that the only usable garden area for the occupiers to enjoy sitting outdoors are to the front. As a consequence, any vehicular and pedestrian movements resulting from the proposed dwelling would have to pass close to the front gardens and in close proximity to the front habitable rooms of the cottages. The development of one large three-bedroom dwelling would have the potential to create additional vehicular movements and pedestrian movements generated by the proposed occupants throughout the day and into the evening, together with that generated by visiting friends and relatives or tradesman. This would have the significant potential of causing noise and disturbance, as well as loss of privacy, to the occupiers of the cottages.
8. I have noted the appellant's suggestion of erecting privacy screening of approximately 1.8 – 2.0m in height around the front gardens of Primrose Cottage and Pear Tree Cottage to mitigate against any potential disturbance or loss of privacy. However, I consider that this would be counterproductive as it would create an overbearing sense of enclosure within the front gardens and would itself have a harmful impact on the living conditions of the occupiers of the cottages.
9. Having regard to the above, the development would have a have detrimentally harmful impact on the living conditions of the occupiers of Primrose Cottage and Pear Tree Cottage in terms of loss of privacy and disturbance. It would, therefore, conflict with Strategic Policies 1 and 2 and Policies ENV27, HOUS2, HOUS8 and HOUS11 of the UDP.

Conclusions

10. I have concluded that the development would not have an adverse impact on the character and appearance of the area. However, this does not negate or outweigh my concerns regarding the harmful effect of the development on the living conditions of the occupiers of Primrose Cottage and Pear Tree Cottage.

11. My attention has been drawn to similar patterns of developments approved in the area. I do not have the full details of these schemes and so cannot be sure that they represent a direct comparison to the appeal proposal, and in any event each case must be determined on its own merits having regard to the individual characteristics of the site and surroundings. I have also taken into account all other matters raised by the appellant, including the need for housing especially for older people, the contribution the dwelling could have on the supply of housing in the area, and the historical reasons why the appellant did not previously pursue planning permission for the site. Nevertheless, none of these considerations outweigh my conclusion on the second main issue identified above.
12. Residents have raised a number of other concerns relating to highway safety, drainage, utilities, services accessibility and ecology. However, based on the information before me these matters would not constitute reasons for dismissing the appeal.
13. For the reasons given above I conclude that the appeal should be dismissed.

Richard Duggan

INSPECTOR