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## 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: 19/08/15**

## Appeal Decision

Site visit made on 16/07/15

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

**an Inspector appointed by the Welsh Ministers**

**Date: 19/08/15**

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**Appeal Ref: APP/Z6950/A/15/3018505**

**Site address: 42 Stanwell Road, Penarth, Vale of Glamorgan CF64 2EY**

**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 [outline] planning permission.
  - The appeal is made by Mr Kenny Willan against the decision of The Vale of Glamorgan Council.
  - The application Ref 2015/00055/FUL, dated 18 January 2015, was refused by notice dated 16 March 2015.
  - The development proposed is a 'dormer loft conversion'.
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### Decision

1. The appeal is dismissed.

### Procedural Matters

2. I observed that the development has already been completed. I have therefore considered the appeal under the terms of Section 73A(2)(a) of the 1990 Act.
3. I note that the appellants and the Council make reference in their submissions to roof lights that have been inserted into the front roof plane. However, this is not detailed on the application drawings nor referred to in the description of development on the planning application form or decision notice. I have therefore determined the appeal on the basis of the rear roof dormer only.
4. I note that the grounds of appeal refer to the appellant's being open to revising the design of the rear dormer. However, it is not within my remit to put forward design solutions, and in any event any change would amount to a departure from the scheme the Council consulted upon and determined. Accordingly, I have considered the proposal as determined by the Council.

### Main Issues

5. I consider the main issues to be the effect of the development on the character and appearance of the area, and whether the proposed development would preserve or enhance the character or appearance of the Penarth Conservation Area.

## Reasons

6. The appeal property is located within the Penarth Conservation Area (CA) which was designated in 1971 in recognition of the special architectural and historic interest of the town. The CA Appraisal and Management Plan (July 2011) refers to the negative impacts that poorly scaled and designed development can have on the CA as well as identifying the harm that can be caused by incremental changes to features of buildings within the CA. In 1999 an Article 4 Direction was introduced to remove permitted development rights in order to safeguard the CA from such harmful developments.
7. The appeal property is a traditional mid-terrace dwelling situated in a row of properties which are similar in design and form and retain much of their original character and features. This includes pitched, slate roofs of simple form. Although I acknowledge that there are other examples of dormers within the wider CA boundary, in this part of the CA I noted that alterations to the roofs are relatively minor and the roofscapes remain largely unaltered. In this context, the properties make a positive contribution to the character and appearance of the CA.
8. The dormer the subject of this appeal is not visible from Stanwell Road itself. However, the rear of the appeal site is surrounded on all sides by neighbouring dwellings and their curtilages, from which there are limited private views of the development. In terms of public vantage points, the dormer is clearly visible from Grove Terrace.
9. By virtue of its scale and design, the Council contend that the development represents an unacceptable and poorly designed addition to the appeal property. It is also contended that the structure appears as a bulky and visually dominant feature within the area. Indeed, I was able to confirm at my site visit that, by virtue of its design and use of materials, the dormer does introduce an unsympathetic and incongruous box like addition to the rear of the appeal property. Furthermore, by reason of its scale it dominates the rear roof plane and represents an oversized and unsympathetic addition which overwhelms the rear roof plane of the host dwelling and fails to respect its design or form. It therefore has a substantial adverse impact on this property when viewed from Grove Terrace.
10. My attention has been drawn to a number of other examples of dormers in the CA, some of which I saw at my site visit. I am not aware of the full facts of the other cases being referred to and, for this reason, attach limited weight to these examples. Each appeal must also be determined on its individual planning merits, which is what I have done in this case.
11. I have had regard to the personal circumstances of the appellants and the understandable wish to create more satisfactory living arrangements for his family. I also sympathise with their situation in terms of the initial advice received regarding this development. However, these factors are insufficient to outweigh my overriding concern regarding the effect of the development on the character and appearance of the CA for the reasons I have given.

## Conclusion

12. I conclude that the existing dormer, by virtue of its scale and design, represents a prominent and visually intrusive form of development that causes material harm to the character and appearance of the host property and surrounding area. In addition, having regard to the duty imposed by Section 72(1) of the Town and Country Planning

(Listed Buildings and Conservation Areas) Act 1990, I find that the proposal would neither preserve nor enhance the character and appearance of the CA. For these reasons, I consider the 'as built' dormer to be contrary to the provisions of Policy ENV17, ENV20 and ENV27 of the adopted Vale of Glamorgan Unitary Development Plan 1996 – 2011, and the CA Appraisal and Management Plan.

13. For the reasons given above the appeal should be dismissed.

*Richard Duggan*

INSPECTOR