



APPENDIX A.

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2015/00146/FUL

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Ein Cyf/Our reference  
P72/1274  
Eich Cyf/Your reference

Dyddiad/Date

= 3 29/1987

Gentlemen

TOWN AND COUNTRY PLANNING ACT 1971, SECTION 36 AND SCHEDULE 9  
APPEAL BY MR R S BIRD  
APPLICATION NO: 86/0898

1. I have been appointed by the Secretary of State for Wales to determine your client's appeal. This appeal is against the decision of the Vale of Glamorgan Borough Council, to grant planning permission subject to conditions for the conversion of an existing coach house into a granny flat at 78 Stanwell Road, Penarth. I have considered the written representations made by you and by the council and also those made by other parties and interested persons. I inspected the site on 7 September 1987.

2. The condition in dispute is No 3 which provides that:

3. The proposed "granny flat" hereby approved shall be used solely as ancillary accommodation incidental to the use of 78 Stanwell Road, as a single dwelling unit, and not as a separate unit of accommodation.

3. From my inspection of the appeal building and its surroundings and my consideration of the representations made, I am of the opinion that the decision turns on whether or not a satisfactory separate dwelling unit could be developed on this site, having regard to aspects of access, precedent and the character of the conservation area.

4. The appeal building is a small stone, tile roofed former coach house standing at the end of the rear garden to your client's large end of terrace home. The council recently approved the conversion of the appeal building to a "granny flat" not least because they considered the building to be in good repair and one which is a relatively fine example of its type.

5. Your client's property lies within the extended Penarth Conservation Area. Within such areas the council wish to be satisfied that the demolition or redevelopment of a building is not carried out unless it cannot be used for a suitable purpose. Their adopted East Vale Local Plan contains policies relating to conservation areas which seek to protect and enhance their character.

6. If the appeal condition is deleted, the approved "granny flat" would or could become an independent dwelling unit. It would have a separate vehicular access to the lane at the rear of Stanwell Road. A small amenity space would be provided.

7. I consider that the council are right to be concerned that use of the appeal building as a separate dwelling would bring an increase in the use of the narrow

rear service road which runs behind numerous properties in this part of Penarth  
The road is, in my view, clearly unsuitable for use as the sole domestic and  
service access to a house. It is narrow, about 12 ft wide mostly between high  
walls, providing reasonable access only to rear garages and gardens. The traffic  
which would serve even as small a house as this would be different to that needed  
to serve accommodation which the council wish to see linked to your client's  
home.

8. In my opinion, the council's points about precedence are well founded matters  
of concern. There are several garages and other fairly substantial buildings  
which front the extensive lengths of rear access roads to Rkwardian and Victorian  
housing in the Conservation Area. Conversion of those which might be worthy of  
preservation to independent, small dwelling units, would in my view have an  
unfortunate effect on the character of the Conservation Area. The residential  
pattern of the area would be detrimentally affected in an area which has been  
recognised as worthy of special protection.

9. You took issue on the conformity of the appeal condition with the tests on  
planning conditions set out in Welsh Office Circular 1/85. I agree that enforce-  
ment of the condition might pose some difficulty, but no more than in many cases  
where something other than a superficial inspection may be needed. Occupancy  
conditions are not tightly imposed, but the need to preserve the particular  
character of the Conservation Area suggests greater constraint than may be  
appropriate elsewhere. It is my opinion that the appeal condition passes all  
the relevant tests.

10. I have considered all the other points raised in the representations including  
your comments on the provision of all normal residential facilities within the  
proposed converted building, but find they do not affect my decision.

11. For the above reasons, and in exercise of the powers transferred to me, I  
hereby dismiss this appeal, and refuse to discharge Condition 3 attached to  
planning consent 86/0898 issued by the council on 23 December 1986.

I am gentlemen  
Your obedient servant

*J. S. Whalley*  
J. S. WHALLEY CENG MICE MHPP  
Inspector