

## **SECTION B – MATTERS FOR INFORMATION**

### APPEALS DETERMINED

#### **a) Planning Appeals**

**Appeal Ref:** A2017/0005      **Planning Ref:** P2016/0271

**PINS Ref:** APP/Y6930/A/17/3172205

**Applicant:** Mr A Holden

**Proposal:** Demolition of two storey building and construction of one dwelling together with the conversion of a window to a door and 1 no. additional window to 1 Cambrian Place on the ground floor elevation fronting Abbey Road.- Amended plans and amended planning statement

**Site Address:** 1 Cambrian Place & 45 Abbey Road Port Talbot SA13 1HD

**Appeal Method:** Written Representations

**Decision Date:** 19 July 2017

**Decision:** Appeal Allowed With Conditions  
[Appeal Decision Letter](#).

The main issue concerned the effect of the proposed development on the living conditions of the occupiers of neighbouring properties, with particular reference to outlook.

The Inspector stated that there was no doubt that the proposed dwelling at No.45 would represent an increase in scale relative to the existing building. However, he found that the reorientation of the property would mean that the pitch of the roof associated with the two storey element of the proposal would slope away from the neighbouring properties at No.2 and No.3 Cambrian Place. As such, and having had regard to the fact that there would only be a modest increase in eaves height, he did not consider the two storey element of the proposal would result in any significant overbearing impacts. Similarly, whilst recognising that the existing

lean-to element of the building would be replaced with a more substantial pitched roof structure that would extend the full width of the plot, given its single storey height and roof form, he found that the overall visual impact would be acceptable.

He thus concluded that there would not be any material harm caused to the living conditions of the occupiers of neighbouring properties by reason of loss of outlook.

Responding to concerns raised that the proposed dwelling would result in overshadowing impacts at neighbouring properties, the Inspector did not consider that such impacts would be so significant so as to cause material harm to the occupiers of those properties.

Similarly, whilst matters of privacy were raised in the written submissions, he was satisfied that any overlooking impacts could be satisfactorily addressed through the imposition of a suitably worded planning condition.

Noting that the proposed dwelling would be constructed on a larger foot print than the existing building and, as a consequence, the amenity space associated with the existing building at No.45 and the ground floor flat at No.1 would be reduced as part of the proposals, he noted that the existing amenity space arrangements are somewhat limited and did not consider that such matters would materially alter the living conditions currently experienced by the occupiers of the existing residences, not least because the proposed layout would provide sufficient space to cover basic amenity tasks such as the storage of refuse facilities.

Therefore, having considered all matters raised, he concluded that the proposed development would not cause material harm to the living conditions of the occupiers of neighbouring properties or indeed the future occupiers of the proposed dwelling. As such, he found there to be no conflict with Policy BE1 of the adopted Local Development Plan.

The Inspector also considered other matters, including concerns raised regarding the lawful use of the property at No.45, and noted that the principle of residential development was acceptable having regard to the predominantly residential character of the area.

He also addressed concerns in respect of potential overdevelopment, concluding that the development would not cause material harm to the living conditions of the occupiers of neighbouring properties and, having regard to the fact that the site is already occupied by a two storey pitched roof building, no harm to the character and appearance of the area would arise as a result of the development, with the proposed dwelling also retaining visual subservience to No.1. Moreover, given the condition of the existing building, the development would represent an opportunity to improve the visual appearance of the site from public vantage points, with detailed design matters capable of being controlled via planning conditions.

Finally, noting the absence of off-street parking, the Inspector referred to Planning Policy Wales which is clear that minimum parking standards are no longer appropriate and, in any event, stated that such requirements should be considered within the context of both pedestrian and highway safety.

Noting the availability of facilities and services within the area, including access to public transport opportunities, and that there were no signs of a shortage of on-street parking at the time of his visit, he found no reason to disagree with the Council's conclusion that the development would not represent a material threat to pedestrian or highway safety.

Based on the foregoing, and having considered all matters raised, he thus concluded that the appeal should be allowed subject to conditions.

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**Appeal Ref:** A2017/0006      **Planning Ref:** P2016/0881

**PINS Ref:** APP/Y6930/A/17/3172687

**Applicant:** NPT Homes

**Proposal:** 8 semi-detached two storey dwellings plus associated access road and diversion of footpath link.

**Site Address:** Land to the north of Llwyn Celyn neath

**Appeal Method:** Written Representations

**Decision Date:** 25 July 2017

**Decision:** Appeal Allowed With Conditions  
[Appeal Decision Letter](#).

The main issue concerned whether the loss of open space would be outweighed by the provision of affordable housing.

Despite the requirements set under [Policy OS2 Protection of Existing Open Space](#) the Inspector stated that there is currently an over provision of informal open space within the Bryncoch South Ward and, on this basis, he was satisfied that the proposal was consistent with the general thrust of Policy OS2 and criterion 5) of [Policy BE1 Design](#).

The Inspector was able to appreciate that the site offers an attractive through route. However, given its modest scale, and the informal manner in which it is utilised, he did not consider that the loss of such a facility would cause material harm to the local community. In coming to this conclusion, he was mindful of the fact that the larger area of open space located immediately north-west of the appeal site would remain accessible via the redirected public footpath and that this facility would have capacity to absorb any need arising from the loss of open space in this instance.

The Inspector also recognised the fact that the Council's development plan framework is up to date and noted the fact that the current housing land supply satisfies the requirements of national planning policy set out in Technical Advice Note 1: *Joint*

*Housing Land Availability Studies (2015) (TAN1).* However he advised that there is current need for affordable housing within the area and the appellant, who is one of the principal social housing providers in the area, had submitted evidence to demonstrate that there remains a significant shortfall of affordable housing within the area and the inspector had no reason to doubt such assertions.

As Affordable housing is identified as a key issue within the adopted LDP and it is also a ministerial priority for the Welsh Government, the inspector considered the current need for affordable housing to be a matter that weighed heavily against the modest loss of informal open space proposed in this case.

### *Other considerations*

*Visual Amenity* - Criterion 8c of [Policy BE1](#) provides a preference for developing previously developed land over greenfield land. Whilst the inspector recognised the fact that the development would inevitably alter the character of the immediate environs, he did not consider there would be any material harm to the character and appearance of the area and considered the proposed use, design and overall layout of the development would be consistent with the properties within the immediate and wider vicinity

*Residential Amenity* - The inspector considered the development would incorporate sufficient window to window distances to prevent any unacceptable overbearing impacts or loss of privacy or upon overshadowing. Whilst he acknowledged the new public footpath would be closer to the existing dwellings along Llys Wern, he did not consider that this would cause material harm. Any noise and disturbance arising from the construction process could be satisfactorily addressed through a planning condition.

*Ecology* - The inspector considered the wider issues relating to ecology and the natural environment could be satisfactorily addressed through the imposition of suitably worded planning conditions.

*Highways and pedestrian safety* - The development would provide parking in accordance with the approved standards and, given the scale of the development proposed, there would not be a significant increase in traffic utilising the local highway network. As such, the inspector found concerns raised to be unfounded.

*Drainage* - The inspector concluded effective drainage of the site could be addressed via a suitably worded planning condition.

In conclusion, the Inspector concluded that any harm arising from the loss of open space would be significantly outweighed by the advantages associated with the provision of much needed affordable housing. As such the appeal was allowed subject to the conditions