

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

### **APPEALS DETERMINED**

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

**Appeal Ref:** A2017/0015      **Planning Ref:** P2017/0771

**PINS Ref:** APP/Y6930/D/17/3184669

**Applicant:** Mr & Mrs Davies

**Proposal:** Single storey front extension.

**Site Address:** Brynheulog House, Main Road, Dyffryn Cellwen, Neath.

**Appeal Method:** Written Representations

**Decision Date:** 2/1/2018

**Decision Code:** Dismissed

The main issues in respect of this appeal related to the effect of the development on the character and appearance of this pair of semi-detached dwellings; and on the living conditions of the occupiers of Awelfryn with particular regard to outlook and overbearing impact.

The Inspector referred to the Council's 'Design' SPG which advises that large scale front extensions are usually not appropriate, but if circumstances allow, these should be well designed to reflect or enhance the existing property. The SPG further advises that front extensions should respect the size and proportions of the existing house; respect the architectural features, brickwork, stonework, colour and texture of the existing house; and not unduly affect neighbouring amenity.

Within this context, he noted that neither the appeal property nor the adjoining dwelling have been extended or altered on their front elevations and they currently appear as a uniform and aesthetically pleasing pair of semi-detached traditional stone cottages. The extension would be built over the finished stonework and

decorative brickwork and would, therefore, significantly alter its appearance to the detriment of the character of both cottages.

As the proposed extension would extend across the whole width of the property it would be a prominent addition to the house dominating its front elevation. The massing and form of the extension would be out of keeping with the parent building resulting in an extension that is poorly related to the house. The harsh flat roofed design, allied to the scale and massing of the extension, would be an incongruous form of development that unacceptably disrupts the visual balance of this pair of semi-detached houses.

In considering the impact on the neighbouring property, he noted that the extension would extend approximately 4m, would be approximately 2.8m high at its maximum and its side elevation would be sited about 1m away from the nearest ground floor habitable window. In views from this window the outlook would be dominated by a mass of built form in a way that would be overbearing and oppressive, with consequence adverse effects on the living conditions of the occupants concerned.

For the above reasons, the Inspector concluded that the proposed sun room would have a harmful impact on the character and appearance of this pair of dwellings and on the living conditions of the occupiers of Awelfryn with particular regard to outlook and overbearing impact.

The Inspector thus accepted that the proposal does not accord with Policy BE1 of the LDP, and in summary felt that the design, location and impact would be detrimental to both residential and visual amenity.

**Appeal Ref:** A2017/0011      **Planning Ref:** P2017/0512

**PINS Ref:** APP/Y6930/A/17/3185450

**Applicant:** Mr Ieuan Ace on behalf of Resolven AFC

**Proposal:** Retention of use of part of car park for two pitches for the sale of meat and potatoes

**Site Address:** Resolven AFC, Neath Vale Supplier Park Access Road, Resolven, Neath.

**Appeal Method:** Written Representations

**Decision Date:** 14/12/2017

**Decision Code:** Allowed

The main issues in this case concerned the effect of the development on the defined retail area of Resolven, and on the allocated employment area.

#### *Defined Retail Area*

Outside a defined retail centre or allocation but within settlement limits, Policy R3 of the LDP permits new retail development or additional retail floorspace only if consistent with four criteria. The appeal use does not take place in such a location and thus the Inspector stated that Policy R3 is not directly applicable, albeit it contributes to the general retail strategy of the LDP whose purpose is to ensure that retail centres are supported and enhanced as far as possible.

The Inspector noted the nearby large indoor market, which was granted planning permission for a temporary period in 2012, that consent being extended in 2016 to permit the premises' use for A1 retail until the beginning of 2021. She was aware of the circumstances with regard to the original location of the market.

That market is permitted to take place on Wednesdays, Saturdays and Sundays, and she considered it probable that some visitors make trips to the appeal use at the same time as the market. In comparison with the indoor market, the scale and duration of the

appeal use was thus considered to be modest such that its impact on other retail centres is likely to be similarly low key. In that light, she considered that the appeal use is not contrary to the thrust of Policy R3.

### *Allocated employment area*

The appeal site is within the EC2/16 existing employment area designated in the LDP. In accordance with LDP Policy EC3 uses on such sites are restricted to those within classes B1, B2 and B8; to ancillary facilities or services which support and complement the wider role and function of the primary employment use; or to commercial services unrelated to class B. It could be argued that the appeal use falls within the latter category although the explanatory text excludes uses best located in a retail centre.

As the appeal use takes place in close proximity to the indoor market, and at a time when that market is trading, the Inspector considered it can be sustainably justified in this location. While aware of the concerns of the owners of the indoor market, it is not the role of the planning system to restrict competition between retailers within centres. She therefore gave little weight to any conflict between the appeal use and the indoor market or its traders.

By reason of its small scale; its mobile and temporary nature; and the short duration of the trading period, the appeal use was considered to be appropriate in scale and form to the role and function of the employment area. Moreover, as it is located on the car park of a non-employment use it does not take up land with employment potential. The appeal scheme does not, therefore, cause any adverse impacts on the overall function of the employment area or neighbouring commercial properties, and is not significantly at odds with LDP Policy EC3.

### *Other matters*

The Inspector found no evidence that the appeal use has a significantly detrimental effect on traffic flow on market days or that it jeopardises the highway safety of road users including pedestrians, also noting that the Council does not have significant concerns with the appeal use on those grounds.

The appeal was thus allowed and planning permission granted for the use of part of the car park for two pitches for the sale of meat and potatoes subject to the following conditions: -

1) The use hereby permitted shall be restricted to pitches for two mobile retail units only, located on the plot shown on the submitted Location Plan. The retail units shall be removed from the site outside of the permitted hours and the site made available for car parking.

2) The use hereby permitted shall be carried out on Saturdays only between the hours of 07.00 to 13.30.

3) The use hereby permitted shall be discontinued on 20<sup>th</sup> January 2021 or on the cessation of the use of the indoor market granted under P2014/0361 by notice dated 20th January 2016, whichever is the sooner.

These are necessary for clarity, to protect the character and appearance of the surrounding area, and to ensure that the permitted use does not have an adverse impact on defined retail areas, particularly when the indoor market ceases to trade. With regard to the permitted hours, the decision adheres to the end time put forward by the appellant.

## **b) Enforcement Appeals**

**Appeal Ref:** A2017/0009    **Enforcement Ref:** E2016/0224

**PINS Ref:** APP/Y6930/C/17/3179123

**Applicant:** Ms Ann Barnet

**Alleged Breach:** Without planning permission, the erection of a rear dormer extension

**Site Address:** Land at 18 Bethel Street, Briton Ferry, Neath, SA11 2HQ (Britannia Inn)

**Appeal Method:** Written Representations

**Decision Date:** 8<sup>th</sup> January 2018

**Decision:** Appeal Dismissed

The Enforcement Notice was issued in response to a flat roof dormer extension erected on the rear roof slope of the above property (used as Britannia Inn Public House at ground floor level, with residential accommodation above) without the benefit of planning permission. The flat roof dormer extension extends up to the ridge height of the main building, incorporates substantial proportions and contains windows and a door, with the latter opening onto a flat roofed area to the rear of the building. The appellant submitted that the development provides additional living accommodation in the roof space, specifically referring to it as a music room for a disabled daughter

### ***Ground (a) Appeal – The Deemed Planning Application***

By reason of its scale, siting and overall design, the Inspector considered the dormer extension results in a dominant and visually intrusive form of development that injuriously alters the roof form of the host property. Such impacts are exacerbated by the siting of the property on a corner location between Bethel Street and Sand Lane, with the development appearing as a prominent and incongruous feature in the street scene.

Although the appellant asserted that the materials used in the construction of the dormer extension assist in blending the structure into the roof scene, the Inspector stated that it was clear at the time of his site visit that the materials used do not match the tiles on the main roof and, for this reason, did not satisfactorily mitigate the aforementioned impacts. Furthermore, he did not consider that such impacts could be effectively mitigated by the imposition of planning conditions.

While giving weight to the benefits that the development would provide for the appellant given the identified personal circumstances, he did not consider these would outweigh the 'substantial harm' identified.

He thus concluded that the development causes material harm to the character and appearance of the area, and conflicts with Policies SP21 and BE1 of the adopted Neath Port Talbot County Borough Council Local Development Plan. It would also conflict with the general thrust of the advice contained within the adopted 'Design' Supplementary Planning Guidance (SPG).

### ***Ground (f) Appeal***

An appeal under ground (f) is that the steps required to comply with the notice are excessive and that lesser steps would overcome the objections.

In this case, the appellant contended that the Local Planning Authority should have requested that the size of the dormer be reduced in scale in accordance with advice provided at pre-application stage. However, the Inspector had no details of any worked out alternative that includes relevant drawings. Notwithstanding this, he also noted that pre-application advice is not binding on the authority and, in the absence of any information to enable him to undertake a detailed assessment of any alternative scheme, was unable to conclude that the options discussed at the pre-application stage would represent a suitable and viable lesser step. Therefore he found that the requirements of the notice are not excessive, and the appeal on ground (f) also failed.

Accordingly, the appeal was dismissed and the Enforcement Notice upheld.