

SECTION B – MATTERS FOR INFORMATION

APPEALS DETERMINED

a) Planning Appeals

Appeal Ref: A2017/0012 **Planning Ref:** P2017/0843

PINS Ref: APP/Y6930/X/17/3188398

Applicant: Mr E John

Proposal: Single storey front conservatory extension – certificate of lawful development proposed.

Site Address: 121B Pen Y Cae Road, Port Talbot

Appeal Method: Written Representations

Decision Date: 5th April 2018

Decision: Appeal Dismissed

[Appeal Decision Letter](#)

The Inspector stated that under Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) Order 1995 (as amended for Wales) it was clear that an enlargement, improvement or other alteration of a dwelling house is not permitted development if the enlarged part of the dwelling house would extend beyond a wall comprised in the principal elevation of the original dwelling house, as was the case in this appeal.

The Inspector therefore concluded that there is no doubt that the development does not comprise permitted development under the current legislative framework and that it would, therefore, require planning permission.

Appeal Ref: A2018/0001 **Planning Ref:** P2016/0929

PINS Ref: APP/Y6930/A/17/3191554

Applicant: Mr Aaron Merret

Proposal: Retention and completion of change of use of building to 4x4 Vehicle Repair Centre (Use Class B2), plus engineering operations and retaining works to create 4 parking spaces to rear with ramped access.

Site Address: Tyre and Exhaust Centre, Commercial Street, Abergwynfi

Appeal Method: Written Representations

Decision Date: 17th April 2018

Decision: Appeal Allowed

[Appeal Decision Letter](#)

The main issue considered by the Inspector related to the effect of the development upon both pedestrian and highway safety, with particular reference to the parking and servicing arrangements at the premises.

The Council refused planning application on the basis that the proposal would fail to provide satisfactory arrangements for the parking of breakdown recovery vehicles and private vehicles awaiting repair. However, having regard to the size of the premises and the evidence supporting the parties' cases, the Inspector saw no reason to dispute the assertion that the business represents a "one-man operation". Indeed, he did not see anything to suggest that the business is 'intensive in nature' as referred within the Council's Notice of Decision. He acknowledged that the submitted evidence indicates that operations undertaken to date have resulted in indiscriminate parking, which has disrupted the free-flow of traffic in the area. However, having regard to the fact that the proposed scheme would make provision for four off-street parking spaces, and a separate rear storage area that could be used for the storage of spare parts stripped from 'un-roadworthy vehicles', he was satisfied that (subject to conditions), the scheme

could be operated without the need for indiscriminate parking of vehicles. He was also satisfied that the restricted scale of the premises would in itself represent a limit to such an intensification. In relation to parking violations, he stated that such violations could be adequately addressed outside of the planning system, and the Council retains the ability to impose new or amend existing TROs if necessary. The appeal was therefore allowed, subject to conditions.

Appeal Ref: A2018/0009 **Planning Ref:** P2017/0966

PINS Ref: APP/ Y6930/H/18/3196369

Applicant: Gareth Acreman

Proposal: Retention of non-illuminated advertisement..

Site Address: Former Lakeside Golf Driving Range, Water Street, Margam

Appeal Method: Written Representations

Decision Date: 4th April 2018

Decision: Dismissed

[Appeal Decision Letter](#)

The Inspector noted that the advertisement was in place at the time of her visit and replaced a former sign of similar scale. It was noted to be a large prominent feature that stretches across the majority of the back elevation of a simple wooden building, and to be very obvious in views along Water Street, and also visible from the M4 motorway albeit given the distances and the low level height of the appeal building, it was not especially prominent from this location.

Although in a green wedge and forming part of a Landscape of Historic Interest, its primary visual impact relates to a localised area such that the wider interests of the green wedge and historic landscape would not be unduly affected by the appeal sign.

The sign itself relates to a commercial building within a car park where adverts in general would not be untypical of the immediate context. Even so, the Inspector considered that the scale of the sign dominates the building on which it is situated, with the use of black lettering on a white background against a wooden elevation resulting in a garish and visually dominant feature.

In her judgement, the advertisement was unsympathetic in scale and design to the existing building, comprising an intrusive form of advertising that harms the visual amenities of the area. Although the previous sign was also visually dominant and may have existed without question for some time, that does not justify compounding the visual harm arising from the appeal sign.

In terms of the highway objection, the Inspector found that despite its scale, the advertisement is uncomplicated in its appearance, and is quickly and easily read from the adjacent highway, and set back from the junction with St David's Park such that it does not affect visibility for motorists. She noted that there is no evidence that the former similar sign caused any serious highway safety issues and considered that the sign would not cause any undue distraction to motorists. Nonetheless, this would not outweigh the visual harm which was an overriding consideration in this case.

NOTE: The unauthorised signage has since been removed from the building and negotiations taken place with Officers regarding a more appropriate replacement.

Appeal Ref: A2018/0002 **Planning Ref:** P2017/0987

PINS Ref: APP/Y6930/A/17/3191935

Applicant: Martin Richards

Proposal: New Detached Dwelling.

Site Address: 20 Cwrt Yr Eos, Coed Hirwaun

Appeal Method: Written Representations

Decision Date: 18th April 2018

Decision: Dismissed
[Appeal Decision Letter](#)

The main issues concerned the principle of development; the effect of the proposed development upon the character and appearance of the area; and the effect of the proposed development upon the Green Wedge designation, including whether there are any very exceptional circumstances that clearly outweigh any identified harm.

The Inspector acknowledged the site's location outside of the settlement limits defined by LDP Policy SC1 which set out specific circumstances whereby development outside of settlement limits would be acceptable in principle. The inspector did not see anything in the proposal to indicate that the development proposed would satisfy any of the policy exemptions provided by that policy.

An important element of the appellant's case is that the resulting development would not represent a prominent or intrusive form of development. The inspector also considered that, having regard to the scale parameters proposed, the rising nature of the land and the spacious grounds within which the dwelling would be sited, the development would conflict with the general pattern of the development within this area.

The appeal site is also located within a Green Wedge designation as defined by Policy EN3/1 of the adopted LDP. PPW sets out the national policy framework relating to Green Wedges, specifically stating that the most important attribute of Green Wedges is their openness. The Inspector assessed that there is no doubt that the development proposed falls within the definition of inappropriate development as defined by PPW, and it therefore followed that the development would be harmful to the Green Wedge. The development would not be of a scale that would result in the merging of nearby settlements, however the development would fail to maintain the openness of the designation and in this respect it would run counter to the legitimate aim of preventing coalescence and protecting the setting of urban areas.

In conclusion the Inspector did not consider the matters raised by the appellant either individually or cumulatively amounted to the *very exceptional circumstances* referred to within national planning policy. It was recognised that the development would contribute towards the housing land supply within the area, however having regard to the modest contribution it would make, as well as the lack of evidence to demonstrate the immediate need to increase supply, such matters were not determinative in this case.

Appeal Ref: A2018/0004 **Planning Ref:** P2017/0956

PINS Ref: APP/Y6930/A/18/3193822

Applicant: Mr James Thomas

Proposal: Change of Use from retail (Class A1) to café bar (A3) with internal alterations.

Site Address: 51 Castle Drive, Cimla

Appeal Method: Written Representations

Decision Date: 28th March 2018

Decision: Allowed

[Appeal Decision Letter](#)

The main issue considered by the Inspector related to the effect of the proposal on the living conditions of nearby residents.

The Council refused planning permission on the grounds that the increased number and nature of visitors and associated vehicular movements to the premises would have an unacceptable effect on the amenity of neighbouring residents by reason of an increase in noise and disturbance.

Whilst the Inspector had regard to the previous appeal decision relating to a hot food takeaway it was acknowledged that circumstances had changed since the previous decision due to the grant of planning permission for another Class A3 facility within the parade of shops which had changed the context of the site. The inspector considered that a café bar would generate less visits to the premises than a takeaway, this together with the preparation of food off site would mean that less people would be likely to congregate outside. The Inspector was also of the opinion that as the premises was in the heart of a residential area and it was also proposed to serve alcohol would mean that it is not unreasonable to expect that a number of visits to the premises would be made on foot, thereby reducing the potential for disturbance.

The Inspector was satisfied that there was no evidence to suggest that the existing takeaway or shop was a nuisance and that the

proposed opening hours were comparable to these premises, or that there would be any significant traffic or parking problems. However, it was acknowledged that in the interests of residential amenity the Council should have the ability to retain control over the development and as a consequence in allowing this appeal imposed conditions restricting opening hours and the use of the premises as a café bar.