

**Application Ref: NP/20/0437/FUL**

<b>Case Officer</b>	Matthew Griffiths		
<b>Applicant Agent</b>	Mr & Mrs D & Y Mannings		
<b>Proposal</b>	Retrospective planning application for doorway on West elevation and proposed skylights		
<b>Site Location</b>	Apple Tree Gallery, The Ridgeway, Saundersfoot, Pembrokeshire, SA69 9JE		
<b>Grid Ref</b>	SN13490492		
<b>Date Valid</b>	14-Aug-2020	<b>Target Date</b>	08-Oct-2020

The application is referred to the Development Management Committee for consideration at the discretion of the Director of Planning and Park Direction. The application was on the agenda for the previous Development Management Committee on the 9 December 2020 and it was resolved *That the application be deferred to allow circulation and proper consideration of additional information provided by the applicant.*

**Consultee Response**

**PCNPA Buildings Conservation Officer:** No objection

**Saundersfoot Community Council:** Objection. Summarised below:

- Concern that the use of the door will lead the owner to future conflict with the owner of the land and users.
- Express concerns regarding the use of materials on a previous application in particular the extension and the impact on the character of the conservation area. Also re-iterate concerns regarding the impact of the new door on the character of the property and conservation area.
- Concern regarding the residential use of the premises and that it will be used a separate dwelling.
- Concern over the comments from the highway officer that vehicle parking will not be undertaken in the area of the door and that this will continue and it is not clear that windows and doors will open inwards or that there will be no steps or ramps.
- Request that correspondence from users of the lane are taken into account when determining the application.

**PCC - Building Regulations:** No comments.

**PCC - Transportation & Environment:** No objection subject to condition.

**PCNPA Planning Ecologist:** No comments.

**Public Response**

The application was publicised in accordance with the requirements of the Town and Country Planning (General Development Management Procedure)

## Item 5 - Report on Planning Applications

(Wales) Order 2012. Twenty two representations were received objecting to the proposal, which raised the following issues:

- The quality of the plans submitted and that they are rudimentary and inaccurate. This includes that the elevations do not show all existing openings on the building including two windows on the south elevation and one on the north elevation.
- Highway safety concerns and limited visibility.
- Causes an obstruction to access to other properties.
- Causes pedestrian safety concerns.
- No access for emergency vehicles.
- Claims made against property owners.
- Works undertaken to an adjoining lane / highway which is in the council / third party ownership.
- Land adjoining is in third party ownership and new door will be accessed across third party land and no permission has been given for this from the freeholder of the land.
- Concerned regarding the drainage works that have been undertaken.
- Concerns regarding residential amenity.
- Object regarding whether disabled access will be provided to the building.

### **Policies considered**

Please note that these policies can be viewed on the Policies page Pembrokehire Coast National Park website -

<http://www.pembrokeshirecoast.org.uk/default.asp?PID=549>

LDP Policy 01 - National Park Purposes and Duty

LDP Policy 04 – Saundersfoot Local Centre (Tier 3) (Strategy Policy)

LDP Policy 08 - Special Qualities

LDP Policy 10 – Sites and Species of European Importance

LDP Policy 11 – Nationally Protected Sites and Species

LDP Policy 14 - Conservation of the Pembrokehire Coast National Park

LDP Policy 29 - Sustainable Design

LDP Policy 30 - Amenity

LDP Policy 31 - Minimising Waste

LDP Policy 60 - Impacts on traffic

PPW10

SPG05 - Sustainable Design

TAN 12 - Design

### **Constraints**

Special Area of Conservation - within 500m

Biodiversity Issue

Pembrokeshire Coast National Park Authority  
Development Management Committee – 27<sup>th</sup> January 2021

## Item 5 - Report on Planning Applications

LDP Centre:60pc aff housing;30 units/ha  
Recreation Character Areas  
Surface Coal  
High Coal Risk  
Affordable Housing Submarkets  
Seascape Character Areas  
Conservation Area Saundersfoot

### **Officer's Appraisal**

#### **Introduction**

The application seeks permission for alteration to the property known as Apple Tree Gallery.

#### **Background, Site Description and Description of Development**

The site of development enclosed within the application redline takes in the property known as Apple Tree Gallery. Apple Tree Gallery is a stone-built building under a slate roof. The site is in the ownership of the applicants, who occupy the adjoining residential property known Penydre. Apple Tree Gallery is around 10.7m in length and 5.2m in width. It has a height of around 4m to eaves and 6m to the ridge of the roof. The building has retained its character as a simple, formerly ancillary, residential building. It is situated in a prominent location adjoining one of the main routes into the village of Saundersfoot.

At the time of the officer site visit it appeared that the property was in sui generis mixed residential and gallery use. The ground floor area of the building contained paintings and musical instruments. An area in the southern part of the ground floor, below the stairs was formed into a separate room with a toilet, bed and sink. Upstairs was open plan and some of the floor area was given over to an artist's studio. Also present on the first floor was a basic kitchen with coffee making facilities, toaster, kettle and a fridge. A living area with a television and chairs were also present. Outside, in a location that the applicant indicates is that of a former garage, was a shower fixed to an outbuilding of Penydre and footings of the proposed extension. The shower was not enclosed in a building and the applicant indicated that it was not operational. It appeared that the property was in the process of being formed into living accommodation, but it appeared that work to achieve this had not been substantially completed.

As noted in this report a previous application (NP/20/0279/FUL) has been made for alterations extensions and change of use of the gallery and this was refused planning permission at the 2 September 2020 DM Committee. The applicant has indicated that they are not seeking permission to change the use of the gallery or for extension in this application.

## Item 5 - Report on Planning Applications

Permission in this application is sought for a reduced set of alterations only and not for a change of use or extension. Permission is sought retrospectively for a door in the western elevation. New development is also proposed with an additional window and two roof lights proposed in the west elevation.

### **Planning History**

NP/20/0279/FUL - Development of Apple Tree Gallery and Penydre/Apple Tree Gallery parking bay. New doorway. Additional windows/roof lights.

Partial change of use to residential

Apple Tree Gallery, The Ridgeway, Saundersfoot, Pembrokeshire, SA69 9JE

NP/19/0539/FUL – Install rooflights to gallery upstairs, public doorway, partial living space (change of use), rebuild extension where garage used to be.

Apple Tree Gallery, The Ridgeway, Saundersfoot, Pembrokeshire, SA69 9JE

Appealed against non-determination – Appeal dismissed.

NP/20/0174/LBA - Demolish and rebuild curtilage wall that divides Penydre and Apple Tree Gallery

Penydre, The Ridgeway, Saundersfoot, Pembrokeshire, SA69 9JE

Approved – 18 June 2020

NP/20/0328/DOC – Discharge of Condition 4 of NP/20/0174/LBA

Penydre, The Ridgeway, Saundersfoot, Pembrokeshire, SA69 9JE

Pending determination

### **Procedural matters**

Concern has been expressed by local residents concerning the information submitted and the determination of the previous planning application at appeal.

There is particular concern whether the plans are sufficiently detailed to assess the impact of development. The Inspector in determining the appeal of NP/19/0539/FUL did note that the plans were rudimentary but in considering the plans stated “I am satisfied that the alterations to the Gallery could be implemented sympathetically and without harm to the building or Conservation Area.” The gallery building is present at the site and although the plans are limited it is possible to assess the acceptability of development. The Inspector did not support the view of the Built Heritage Conservation Officer that the new openings were too numerous and unacceptable.

The adequacy of the plans has also been raised by objectors. The information submitted remains similar to that previously submitted in the two previous

## Item 5 - Report on Planning Applications

applications and at appeal. The existing Apple Tree Gallery building is already in place and the location of the new openings is reasonably identified on the plans. It is considered that a reasonable assessment of the proposal can be made based on the plans submitted.

The third-party representations were provided to the Inspector as part of the appeal and were before the Inspector in considering the appeal.

### **Planning Policy Context and the Principle of Development**

The local development plan for the area is the Pembrokeshire Coast National Park Authority Local Development Plan 2 (adopted 2020), hereafter “the LDP”.

The properties lie within the Centre boundary and Conservation Area of Saundersfoot as defined in the LDP. The strategic policy for Saundersfoot is set out in Policy 4 of the LDP. Alterations to existing buildings are generally acceptable in principle where they do not result in a harmful impact on the existing character, this impact is considered below.

### **Impact on the character and appearance of the area and impact on the Conservation Area**

The proposal is to create new openings in the western elevation towards the adjoining lane. As noted above the site is sensitive and is located within the Saundersfoot Conservation Area and in close proximity to listed buildings along Milford Terrace. The building’s position is prominent within the street scene and it makes a positive contribution to the character of this area. The Community Council continue to raise concerns regarding the potential impact of the proposal on the character and appearance of the area. It is also noted that the Buildings Conservation Officer, has advised the rooflights are acceptable in light of the clear determination by the Inspector that the new rooflights would preserve or enhance the Conservation Area.

The introduction of the new openings into the western elevation are not considered to have an unacceptable impact on the character and appearance of the building and its form and appearance will be largely retained following the development.

The proposal is therefore in accordance with Policy 1(a) of the LDP and it conserves or enhances the cultural heritage of the National Park. It is also in accordance with national planning policy and guidance contained in Planning Policy Wales (Edition 10, December 2018) and Technical Advice Note 24: The Historic Environment (2017). It is also considered to meet the statutory

duty placed on the Local Planning Authority to preserve and enhance conservation areas.

**Highways impact and impact on users of the private lane**

The Local Highways Authority (LHA) has also, in their representation, given consideration to the doorway that has been inserted into the west elevation of the building to the adjoining lane. It is noted that they offer no objection to the creation of the doorway and do give specific consideration to its positioning at the junction of the lane to the Ridgeway. They do not offer any objection to this positioning on highway safety grounds. It is noted that third party objections have raised the issue of the safety of this doorway, however in light of the views of the LHA it is not considered that a reason for refusal of planning permission could be sustained on the grounds of highway safety.

The issue of parking on the lane, the lawfulness of people walking on the lane to gain access to the door, the safety of the door to users who may conflict with other users of the private lane are a civil matter between the parties involved. An alternative door on the eastern elevation is already in existence and would offer alternative access to the building if access to the door inserted into the western elevation was prevented. It is not the role of the planning system to adjudicate in civil disputes of this nature and the existence or otherwise of access rights are not material to this application. It is a matter to be considered separately from planning.

Overall subject to the imposition of conditions it is considered that the proposal will have an acceptable impact on highway safety and the free flow of traffic on the public highway and is in accordance with Policy 60 of LDP2. In respect to the issues related to private property, the grant of planning permission will not defeat these rights, if they exist, and the local planning authority cannot judge in the event there are disputes as to whether there are rights of access or not. Private law remedies are available to third parties in that regard, notwithstanding the grant of planning permission, and an alternative access is available in the event that it is determined that there are no access rights to the doorway.

**Impact on residential amenity**

The site is located within close proximity to neighbouring properties. Including to the west the property known as Enfield across the lane from the building. Apple Tree gallery already has an established use as a gallery and there are openings already in the western elevation. Given the built-up nature of the area there is already an inherent element of overlooking of properties and the additional opening are not considered to exacerbate the existing overlooking situation to such an extent as to warrant refusal of the application. The window and roof lights proposed are considered to be acceptable in terms of

## Item 5 - Report on Planning Applications

amenity overlooking the lane and gable end of the neighbouring property. Concern was expressed in third party objections that the windows should be fixed and un-opening; however based on an assessment of the site and relationship to other properties it is not considered that the roof lights would need to be fixed. It is considered that the new openings would be acceptable and comply with Policy 30 of the LDP and do not raise any overriding concerns in respect of privacy. Controls on the opening of the door to the lane could be imposed via private law remedies if it is determined that there are no rights of access, and the alternative access could be used in that event.

### **Other considerations**

Third party representations raise a wide range of issues regarding the development proposal. One of the main areas of concern is the use of the lane adjoining the site. Issues include highway safety concerns, obstruction to accessing properties, pedestrian safety concerns, accessibility of emergency vehicles, liability of property owners and ownership of the lane, damage caused to the road, and impact on privacy. It is considered that these matters would not amount to a reason for refusal of the development proposed or relate to matters that amount to civil matters between the parties involved.

The lawful use of the premises remains as an art gallery, however as noted above there are elements of residential use within the premises. No change of use is proposed in this proposal which indicates the premises as a gallery on the plans, this issue will be addressed as a separate issue from the alterations to the exterior of the building proposed in this application.

The National Park Authority Planning Ecologist has reviewed the application and advised that there is no objection to the proposal.

### **Conclusion**

Notwithstanding the objections raised, this application is to regularise the insertion of a door and allow for the insertion of three additional openings into an existing building. These alterations are considered to have an acceptable impact on the character of the building and to preserve or enhance the character of this part of the Saundersfoot conservation area, they are not considered to impact unacceptably on residential amenity or the local environment. The works are considered to be acceptable and in accordance with the LDP policy framework outlined above.

### **Recommendation**

Approve Subject to the following conditions

## Item 5 - Report on Planning Applications

1. The development shall begin not later than five years from the date of this decision.  
**Reason:** Required to be imposed pursuant to Section 91 (1) of the Town and Country Planning Act 1990 (as amended).
  
2. The development shall be carried out in accordance with the following approved plans and documents:  
Existing and proposed elevations (received 15 September 2020)  
Proposed Floor Plan (received 15 September 2020)  
Location Plan (received 15 September 2020)  
Design and access statement (received 15 September 2020)  
**Reason:** In order to be clear on the approved scheme of development in the interests of protecting visual amenity and the special qualities of the National Park. Policy: Local Development Plan 2 – Policies 1 (National Park Purposes and Duty), 8 (Special Qualities), 14 (Conservation of the Pembrokeshire Coast National Park) and 29 (Sustainable Design).
  
3. All roofing materials shall be removed by hand and inspected on their underside prior to disposal / storage / stacking. If a bat is encountered it should be gently covered and works shall cease immediately. Advice shall be sought from Natural Resources Wales prior to any further works being undertaken.  
**Reason:** To ensure that animal and plant species and habitats listed under the Conservation of Habitats and Species Regulations 2010 are adequately protected, and to protect and enhance the character and appearance of the site and its setting within the Pembrokeshire Coast National Park. Policy: Local Development Plan 2 – Policies 1 (National Park Purposes and Duty), 8 (Special Qualities), Policy 10 (Sites and Species of European Importance) Policy 11 (Nationally Protected Sites and Species) and 14 (Conservation of the Pembrokeshire Coast National Park).
  
4. All doors and windows that adjoin the public highway, shall open inwards away from the road and there shall be no steps or ramps.  
**Reason:** To ensure the satisfactory provision of parking facilities and in the interest of highway safety and the amenity of the area, and to accord with Policy 60 (Impacts on traffic) of the Local Development Plan 2.
  
5. The roof lights shall be of a type and fitted in accordance with details submitted to and approved in writing by the Local Planning Authority prior to installation and retained as such in perpetuity.  
**Reason:** To preserve the character and appearance of the area. Local Development Plan 2 - Policy 1 - National Park Purposes and Duty, 8 - Special Qualities, 14 - Conservation of the Pembrokeshire Coast National Park and 30 - Amenity.



## Item 5 - Report on Planning Applications

6. The new window in the wall of the western elevation shall match the existing windows installed in this elevation and retained as such in perpetuity.

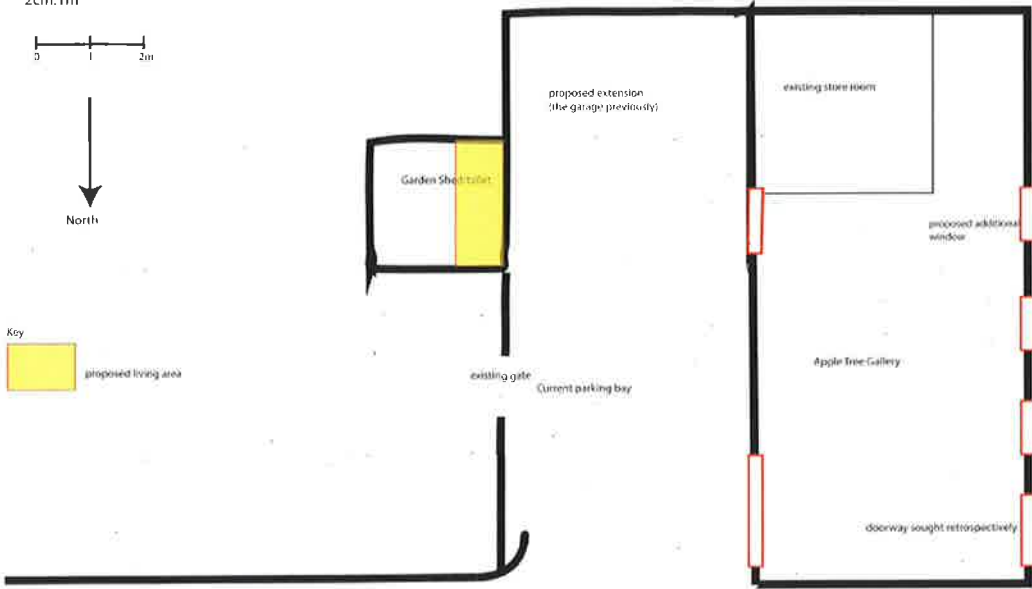
**Reason:** To preserve the character and appearance of the area. Local Development Plan 2 - Policy 1 - National Park Purposes and Duty, 8 - Special Qualities, 14 - Conservation of the Pembrokeshire Coast National Park and 30 - Amenity.

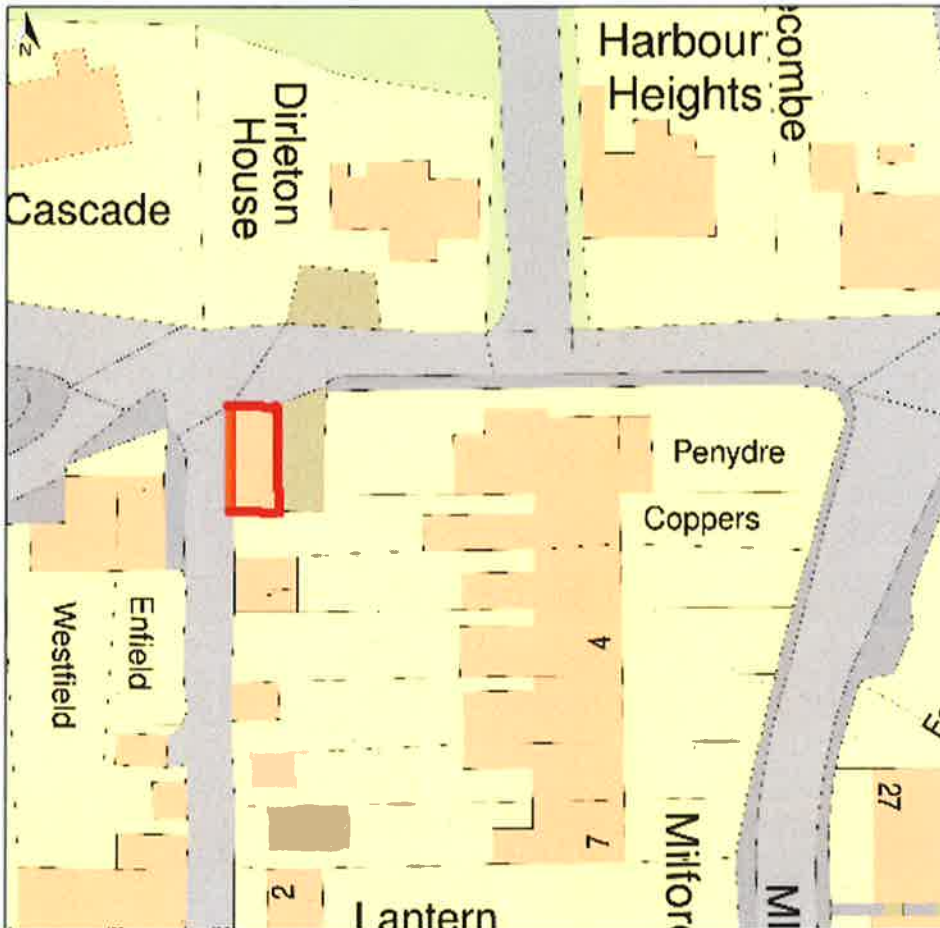
### **Informative**

Planning permission is granted for the retrospective insertion of a door into the western elevation of the property and the insertion of new openings as shown on the approved plans. No planning permission is given or deemed to be given for the change of use of the property residentially, for extension or the insertion of further openings.

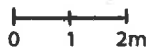


Apple Tree Gallery  
Plan showing doorway and windows applied for  
2cm:1m





Apple Tree Gallery  
West Elevation (facing lane)  
showing proposed new door/window/skylights  
Scale, 2cm:1m



North ←

