

REPORT OF THE DEVELOPMENT MANAGEMENT TEAM LEADER ON APPEALS

The following appeals have been lodged with the Authority and the current position of each is as follows:-

<u>NP/20/0614/FUL</u>	6 affordable houses in association with 6 woodworking workshops, a community facility and a timber processing and drying facility – Pantmaenog Forest, Rosebush
Type	Hearing
Current Position	A Hearing was held on 21 st June 2022 and the Inspectors decision is awaited.
<u>NP/21/0151/FUL</u>	Alterations and extension to dwelling to raise roof to create first floor accommodation, add two dormers and rooflights and single storey extension to east side, and timber wall cladding to part of exterior – 9 Atlantic Drive, Broad Haven
Type	Written Representations
Current Position	The appeal was allowed and a copy of the Inspectors decision is attached for your information
<u>NP/21/0815/FUL</u>	Erection of decking in rear garden (retrospective) – 24 High Street, Solva
Type	Written Representations
Current Position	The appeal was allowed and a copy of the Inspectors decision is attached for your information
<u>NP/22/0003/PNA</u>	Polytunnel with metal frame to house 370 laying hens throughout winter months – Field north side of Jason Road, Freshwater East
Type	Written Representations
Current Position	The initial paperwork has been sent to the Inspectorate



Penderfyniad ar yr Apêl

Ymweliad â safle a wnaed ar 9/6/22

**gan Declan K Beggan BSc (Hons) MSc
DipTP DipMan MRTPI**

**Arolygydd a benodir gan Weinidogion
Cymru**

Dyddiad: 06/09/2022

Appeal Decision

Site visit made on 9/6/22

**by Declan K Beggan BSc (Hons) MSc
DipTP DipMan MRTPI**

**an Inspector appointed by the Welsh
Ministers**

Date: 06/09/2022

Appeal Ref: CAS-01723-X8P5V7

**Site address: 9 Atlantic Drive, Broad Haven, Haverfordwest, Pembrokeshire
SA62 3JA**

**The Welsh Ministers have transferred the authority to decide this appeal to me
as the appointed Inspector.**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr & Mrs Harvatt-Crowley against the decision of Pembrokeshire Coast National Park Authority.
 - The development proposed is 'Alterations and extension to dwelling to raise roof to create first floor accommodation, add two dormers and rooflights and single storey extension to east side, and timber wall cladding to part of exterior'.
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Decision

1. The appeal is allowed, and planning permission is granted for 'Alterations and extension to dwelling to raise roof to create first floor accommodation, add two dormers and rooflights and single storey extension to east side, and timber wall cladding to part of exterior' at 9 Atlantic Drive, Broad Haven, Haverfordwest, Pembrokeshire SA62 3JA in accordance with the terms of the application, Ref. NP/21/0151/FUL, dated, 4 March 2021.

Procedural Matters

2. The description of the proposed development varies slightly between that stated on the planning application form and the Authority's decision notice; I have used the latter description as it is more precise.
3. The Authority planning report refers to the development subject to this appeal being retrospective, however the appellant points out this is not the case. In the interests of clarity, I have determined the appeal on the basis of the details as submitted with the scheme.

Main Issues

4. I consider the main issues in this case are the effect of the proposed development on the character and appearance of the area, and on the living conditions of nearby occupants with particular reference to outlook.

Reasons

Character and Appearance

5. The proposed development relates to an existing bungalow that would be extended/alterd to allow for raising of the roof to create first floor accommodation including two dormers windows, a single storey side extension to the east/front elevation and the use of timber cladding. The area around the appeal site is characterised by modern dwellings that have a wide variation in design and form, including larger detached properties, terraced properties and three storey blocks of flats. Land levels in the area vary with the appeal site property overlooking properties to the west whilst also being overlooked by other properties to the east along Croft Road. Land levels also rise from north to south with the appeal property currently sitting lower than the property to its north and above the property to its south.
6. The first element of the Authority's refusal reason refers to the proposed roof extension and alterations by virtue of their excessive scale, massing, proportions and design having an adverse impact upon the character and appearance of the immediate street scene; I disagree.
7. Whilst the proposed development would result in a higher roofline by 1.5 m and a slightly wider footprint to the existing property, nonetheless, contrary to the views of the Authority, I consider any increase to the overall property height to be relatively modest over that which currently exists. The fact that the rear dormers of varying size have been set lower than the new ridge line indicates a subservience to the main dwelling, reducing the proposal's overall mass and scale, and lessens any visual impact from the street; similarly, the lower eaves level to the front of the property reduces any visual impact on the street scene.
8. Whilst I appreciate that ridge heights running north to south along Atlantic Drive step down in level, however the degree of step down varies. Whilst the proposed development would result in the ridge line of the appeal property rising above the property to the north, however, the increase at 0.5 m is not significant especially bearing in mind the significant separation distance involved; the result is the proposed development is unlikely to draw the eye of the observer or appear out of place. Though the proposed ridge height would be about a metre and half above the property to the south, however due to the varied stepped nature of the properties along the road and the separation distance between the properties, any increase in height would not appear as visually jarring or out unduly out of place. The fact that land levels also change from east to west also assist in assimilating the proposed development into the local streetscape as from a distance the proposal would be seen against the backdrop of other residential development.
9. In addition, the height, massing, proportions and design of the proposed development would reflect a number of properties in the immediate area where there is a diverse range of house types and associated design features, and as a result it would not appear out of character with the street scene or the general area.
10. Pulling the threads of the above together, for the reasons given above the proposed development would not have a detrimental impact on the character and appearance of the area. The proposed development would therefore be in compliance with policy 1, 6, 8,

14, 29 & 30 of the adopted Pembrokeshire Coast National Park Authority (LDP) which seek, inter alia, to safeguard the visual amenities of the national park.

Outlook

11. The second element of the Authority's refusal reason refers to the increase in the ridge height of the proposal having an overbearing impact on the amenity space of the dwelling to the immediate south. The area in the immediate vicinity of the appeal site is generally comprised of a mixture of single and two storey dwellings of varying design. The proposed development would result in the overall roof height nearest to the neighbour to the south being raised by some 1.4 metres and whilst the appeal property would sit at a higher level within the street due to changing land levels, nonetheless that increase in height is not considered to significantly or materially impact on the enjoyment of the amenity areas associated with the adjacent property bearing in mind the separation distance between the properties, and the fact that the proposed development in terms of footprint would only alter very slightly with that being to the front of the property.
12. In addition, the impact of the development is lessened by the use of dormers which are set lower than the new ridge height and the lower eaves level to the front roof. For similar reasons to the above the proposal would not have any undue impact on the amenity areas of the property to the north, particularly so as the difference in height in that instance is even less. The proposed development would therefore not run contrary to policies 1, 6, 8, 14, 29 or 30 of the LDP, which, inter alia, seek in broad terms to safeguard residential amenity.
13. I note in the Authority's planning report that reference is made to the proposed development also being contrary to adopted Supplementary Planning Guidance Sustainable Design and Development (SPG) and Technical Advice Note 12: Design (TAN 12). Neither document is referenced in the refusal reason, and apart from drawing attention to them the Authority make no detailed comment as to their applicability. In the absence of the identification of any specific element within the SPG or TAN 12 that is applicable, I am satisfied that the proposed development would not be at odds with, nor run contrary to the advice given.

Other Matters

14. I note an objector to the scheme who broadly echoes the concerns of the Authority, refers to it as setting a precedent for development in the area, however, each application is considered on its own merits and that is what I have done in this instance.

Conditions

15. The Authority have only suggested the standard time limit condition in the event I find in favour of the appellants. I have imposed this condition in addition to two other conditions relating to the development being carried out in accordance with the submitted details and approval of external finishes. In applying the conditions, I have had regard to the tests for conditions set out in Circular 16/14: *The use of Planning Conditions for Development Management*.

Conclusions

16. For the reasons given above, I conclude that the appeal be allowed subject to the schedule of conditions attached below.
17. In reaching my decision, I have taken account of the requirements of sections 3 and 5 of the Well Being of Future Generations (Wales) Act 2015. I consider that this decision is in accordance with the Act's sustainable development principle through its contribution

towards one or more of the Welsh Ministers' well-being objectives as required by section 8 of the Act.

Declan K Beggan

Inspector

Schedule of Conditions

1. The development hereby permitted shall be begun before the expiration of five years from the date of this permission.

Reason: To comply with the requirements of Section 91(1) of the Town and Country Planning Act 1990 (as amended).

2. The development hereby permitted shall be carried out in strict conformity with the details shown on the plan(s) numbered 618-02 Proposed Site Plan, 618-05 Proposed Floor Plans, 618-06 Proposed Section, 618-07 proposed Elevations, submitted to the Local Planning Authority, and contained in the form of the application and in any other documents accompanying such application unless condition(s) to amend them is/are included on this planning decision notice.

Reason: To ensure the satisfactory development of the site and to safeguard the visual amenities of the area in compliance with policies 1, 6,8,14, 29 & 30 of the LDP.

3. Notwithstanding the submitted details, the external finish of the development hereby permitted shall be as agreed in writing with the Local Planning Authority before any work is commenced in connection with this approval.

Reason: In the interests of visual amenity and in compliance with policies 1, 6,8,14, 29 & 30 of the LDP.



Penderfyniad ar yr Apêl

Ymweliad â safle a wnaed ar 9/6/22

gan Declan K Beggan BSc (Hons) MSc
DipTP DipMan MRTPI

Arolygydd a benodir gan Weinidogion
Cymru

Dyddiad: 07.09.2022

Appeal Decision

Site visit made on 9/6/22

by Declan K Beggan BSc (Hons) MSc
DipTP DipMan MRTPI

an Inspector appointed by the Welsh
Ministers

Date: 07.09.2022

Appeal Ref: CAS-01756-N5Y6R5

Site address: 24 High Street, Solva, Haverfordwest, Pembrokeshire SA62 6TF

The Welsh Ministers have transferred the authority to decide this appeal to me as the appointed Inspector.

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mrs Gemma Jones against the decision of Pembrokeshire Coast National Park Authority.
 - The development proposed is 'Erection of decking in rear garden (retrospective)'.
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Decision

1. The appeal is allowed, and planning permission is granted for 'Erection of decking in rear garden (retrospective)' at 24 High Street, Solva, Haverfordwest, Pembrokeshire SA62 6TF in accordance with the terms of the application, Ref. NP/21/0815/FUL, dated, 18 December 2021.

Procedural Matters

2. The description of the proposed development varies slightly between that stated on the planning application form and the Council's decision notice; I have used the latter description as it is more concise.
3. The development subject to the application is already in situ. In the interests of clarity, I have determined the appeal on the basis of the details as submitted with the scheme.

Main Issue

4. I consider the main issue in this case is the effect of the proposed development on the living conditions of nearby occupants with particular reference to privacy.

Reasons

5. The Authority's refusal reason relates to the impact of an area of raised timber decking on the amenity of neighbouring property by way of overlooking. The raised decking measuring some 4.8 metres by 3.75 metres is located about mid-way along the amenity space that is found to the rear of the terraced appeal property. Beyond the decked area

is a green house, shed and a hardstanding area that borders the adjacent Anchor Down Road. Whilst the decking is raised above existing ground levels, the increase is very modest ranging from 18 cm at the top end to 62 cm at the lower end. Contrary to the view of the Authority I do not consider the elevated nature of the decking would provide any material or significant increase in overlooking of the adjacent property bearing in mind the significant screening effect of the adjacent boundary hedge due to its height and dense foliage; I understand the hedge belongs to the next property. Due to separation distances involved and/or intervening built development, the use of the decking would also not be detrimental to amenities of any other properties in locality by way of overlooking.

6. The Authority also refer in their planning report to the impact on amenity due to potential for noise and disturbance as the decking allows space for a number of people to congregate on it. Irrespective of the current siting of the decked area, the rear amenity area where the decking is located and for that matter other parts of the rear garden which are at a higher level than the decking can already be utilised by occupants of the house for purposes incidental to the enjoyment of the property. I am not aware that the Authority's Public Protection Section have raised any concerns regarding noise issues in relation to the siting of the decking. Inevitably within a built up area there will a degree of mutual impact on privacy in terms of how people use outdoor amenity areas, however due to the current use of the site I do not consider the use of the decking would materially or significantly alter that situation for any nearby properties.
7. Therefore, the decking to be retained would not be detrimental to the amenities of the immediate neighbouring properties or any others by way of privacy and therefore would not be conflict with policy 30 of the adopted Pembrokeshire Coast National Park Authority Local Development Plan (LDP) which in broad terms seeks to safeguard residential amenity.

Other Considerations

8. The Authority's refusal reason is wholly directed at the issue of impact on adjacent residential amenity which I have addressed above, however their refusal reason cites several other policies of the LDP as also referenced in the planning officer's report; for completeness I have addressed the other matters below.
9. Policy 8 of the LDP refers to the special qualities of the National Park (NP) which should be conserved and enhanced with priorities such as seeking to ensure the identity and character of towns is not lost through poor layout and design of development.
10. The decking is located to the rear of the appeal property away from the main road that runs through Solva. Whilst the advice applies to the Solva Conservation Area (CA) which the site lies within, I note the Authority's Conservation Officer in terms of the preservation of the character or appearance of the CA was of the view that the decking had no adverse effects; I agree. In terms of Policy 8, the decking is a modest structure discreetly located within the CA, that is entirely appropriate to its setting to the rear of the appeal property and modern dwellings. As a result, it does not have any detrimental impact on the CA, nor for that matter the special qualities of the NP. For similar reasons, the decking would not run contrary to Policy 14¹, 29 or 30 (b) of the LDP.

¹ I note the Authority appear to have inadvertently referred to policy 15 in the refusal reason when the officer's planning report indicates that it is policy 14.

Other Matters

11. An objector to the scheme states that the proposal would be built over a main sewer where there is restriction on any development either side of it as indicated by such a requirement with his recently permitted planning application and therefore this has set a precedent for all future nearby development. I do not have sewer details before me; however, I note the Authority's drainage engineers raised no adverse comments to the development to be retained, nor have the Authority planners raised objections to the scheme on sewerage grounds. In the absence of any definitive evidence to indicate the decking would be harmful to the sewer I have no reason to take a contrary stance to the Authority.
12. The objector also refers to his recently approved development bringing development closer to the decked area, however, I have based my assessment of the decking on what is in the immediate vicinity of the site at this point of time, not a built structure, of which I have no details, that may be built sometime in the future.

Conditions

13. As the decking has already been erected there is no need to attach the usual time limit condition. No other conditions have been suggested by the Council and I agree that none are necessary.

Conclusions

14. For the reasons given above, I conclude that the appeal be allowed.
15. In reaching my decision, I have taken account of the requirements of sections 3 and 5 of the Well Being of Future Generations (Wales) Act 2015. I consider that this decision is in accordance with the Act's sustainable development principle through its contribution towards one or more of the Welsh Ministers' well-being objectives as required by section 8 of the Act.

Declan K Beggan

Inspector