

REPORT OF THE DEVELOPMENT MANAGEMENT MANAGER ON APPEALS

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

NP/21/0191/FUL Proposed replacement dwelling & associated works – Tyrhibin Isaf, Newport, SA42 0NT

Type Written Reps

Current Position The initial documentation has been forwarded to PEDW

NP/22/0007/FUL Proposed garage adjacent to driveway – Queen Victoria House, The Mews, Heywood Lane, Tenby SA70 8BN

Type Written Reps

Current Position The appeal has been dismissed and a copy of the decision letter is attached for your information.

NP/22/0357/FUL Retrospective summerhouse space at Grey Winds used as part of the enjoyment of house and domestic wildlife garden where following a rewilding lifestyle native trees and reptiles in particular are flourishing. The space allows for work and rest in the garden which is at a higher level to the house – Grey Winds, Newport SA42 0QG

Type Written Reps

Current Position The appeal has been dismissed and a copy of the decision letter is attached for your information.



Appeal Decision

by Melissa Hall BA(Hons), BTP, MSc, MRTPI

an Inspector appointed by the Welsh Ministers

Decision date: 11/05/2023

Appeal reference: CAS-02386-K4D6Y1

Site address: Queen Victoria House, The Mews, Heywood Lane, Tenby SA70 8BN

- 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 Marion Stone against the decision of Pembrokeshire Coast National Park Authority.
 - The application Ref NP/22/0007/FUL, dated 29 June 2022, was refused by notice dated 6 October 2022.
 - The development proposed is described as 'Proposed garage adjacent to driveway'.
 - A site visit was made on 21 March 2023.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The scheme was amended during the course of the application, making corrections to the site boundary. It is on the basis of the amended scheme that the Authority determined the application and upon which I have considered the appeal.
3. As I understand it, the appellant's drawings are annotated incorrectly in relation to the numbering of the neighbouring properties, insofar as 3 Queen Victoria House is shown as No 2, and *vice versa*. I have therefore referred to the closest property as 3 Queen Victoria House for the purposes of my decision.

Main Issues

4. The main issues are the effect of the proposed development on the character and appearance of the area and on the living conditions of neighbours.

Reasons

Character and appearance

5. The dwelling on the appeal site is positioned deep into the plot accessed via a long driveway off Heywood Lane, such that it is not highly visible from the public realm owing to its siting relationship with the surrounding built form and existing soft landscaping features. The driveway is shared over part of its length before this arrangement terminates at the appeal property's front boundary wall, which extends part way across the access narrowing it to some 3 metres wide at this point.

6. The eastern side of the driveway is lined with several mature trees, which are covered by The Rear Garden, Heywood Lodge Hotel, Tenby Tree Preservation Order 76 (TPO) in the main and The Heywood Lane and the Green TPO 57 to a lesser extent. In particular, TPO 76 confers protection on trees specified by reference to individual trees and groups, with 2no. mature Beech trees identified in Group G1 in the First Schedule of the Order, laying in relatively close proximity to the proposed garage the subject of this appeal.
7. The proposed garage would be sited forward of the dwelling by a considerable distance and immediately behind the boundary wall that I have described. In this respect, I note the Authority's contention that the proposed structure would not be located in the optimum position within the site, albeit it has not elaborated upon where it considers that to be. In my view, its siting in relation to the surrounding built form would not appear alien given that there is little uniformity in the siting, scale, massing and design of the properties to which it would most closely relate.
8. Turning to the Authority's concern that the unglazed dormers would represent poor design. I agree that the use of blind dormers in the design would appear contrived and lacking refinement not least as they would not be performing one of the main functions of a dormer, i.e. the inclusion of a window to provide light to the room which it would serve. To this end, their presence on the main roof plane would read as illogical and purposeless.
9. In terms of the closest Beech trees covered by TPO 76, both trees are mature specimens of significant size with balanced, even canopies and appear to be in good health overall. Apart from a plan showing the proposed siting of the garage, which includes an annotation stating 'Tree Protection Fencing during construction', the appellant has provided no substantive evidence in relation to the extent of these landscape features (i.e. the number and position of the TPO'd trees) that would be affected by the proposal nor the impact of the proposed works on the same.
10. Whilst I note the appellant's subsequent submissions that mitigation could be achieved in the detailed design in the form of a suspended slab and screw pile foundation, the full details of such are not before me. Furthermore, I do not consider this matter could be properly dealt with by condition given that this information is necessary to adequately assess the potential harm to the trees covered by the TPO in the first instance, and planning permission should not be granted without knowing whether or not those impacts can be overcome or mitigated.
11. Consequently, I find that the proposed garage would not represent good design and I have insufficient information before me to assess its impact on trees protected by TPO 76. It would therefore have a harmful effect on the character and appearance of its surroundings, in conflict with Policies 8 and 14 of the adopted Pembrokeshire Coast National Park Local Development Plan 2 (LDP2) 2020, which seek to ensure the character and identity of the landscape in the National Park is not lost through poor design, Policy 29 which requires development proposals to be well designed in terms of place and local distinctiveness and Policy 30 which states that development should not be visually intrusive on its surroundings. It would also be at odds with national planning policy in respect of these matters.

Living conditions

12. The garage would be sited some 3 metres away from the boundary with 3 Queen Victoria House, positioned beyond the rear elevation of this neighbouring dwelling and directly in line with the part of its garden closest to the dwelling. This siting, together with the scale and massing of the garage, would have an overbearing impact on the occupants of this

neighbouring dwelling, adversely affecting the living conditions that they should reasonably expect to enjoy.

13. Since there would be no windows in the dormers, there would be no overlooking of the garden of No 3. In this context, I do not consider that the perception of overlooking would be sufficient reason for withholding planning permission. Be that as it may, this matter does not outweigh harm to the living conditions of the occupiers of No 3 for the other reason I have given. Consequently, the development would conflict with LDP2 Policies 29 and 30, which *inter alia* require new development to have no unacceptable impact on the quality of the living environment.

Other Matters

14. The appellant has made reference to extensions at Greenwood Lodge and a recently approved, large two-storey extension at Greenwood House. I do not have the full details of these developments or the circumstances which resulted in their coming into being. Nevertheless, I consider that distinctions can be drawn between the siting relationship of these development with their immediate neighbours and that which is before me. In any event, each proposal must be considered on its individual merits.

Conclusion

15. For the reasons I have given, and having regard to all other matters raised, the appeal is dismissed.
16. In reaching my decision, I have taken into account 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 the Welsh Ministers' well-being objective to make our cities, towns and villages even better places in which to live and work.

Melissa Hall

INSPECTOR



Appeal Decision

by R H Duggan BSc (Hons) DipTP MRTPI

an Inspector appointed by the Welsh Ministers

Decision date: 12/04/2023

Appeal reference: CAS-02506-Y1Z4X2

Site address: Grey Winds, Ffordd Cilgwyn, Newport SA42 0QG

- 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 Ms Julie Speechley against the decision of Pembrokeshire Coast National Park Authority.
 - The application Ref NP/22/0357/FUL, dated 6 June 2022, was refused by notice dated 20 October 2022.
 - The development proposed is described as *“retrospective summerhouse space at Grey Winds used as part of the enjoyment of house and domestic wildlife garden where following rewilding lifestyle native trees and reptiles in particular are flourishing. The space allows for work and rest in the garden which is at a higher level than the house”*.
 - A site visit was made on 5 April 2023.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The development subject to this appeal has already been built on the site. As such, I have determined the appeal on the basis that it seeks retrospective consent for the summerhouse under the terms of Section 73(A)(2)(a) of the 1990 Act.

Main Issues

3. I consider the main issues to be the impact of the development on the character and appearance of the area and on the special qualities of the National Park, having particular regard to local and national policies which seek to control development in the countryside.

Reasons

4. For the purposes of planning policy the appeal site falls within the open countryside as defined in the Adopted Pembrokeshire Coast National Park Local Development Plan 2 (LDP) where local and national policies seek to strictly control development and generally direct it to within or adjoining settlements. Policy 7 ‘Countryside’ of the LDP states *“outside the identified Centres is countryside where development must be strictly*

controlled”, and the policy sets out the forms of development that would be acceptable in principle within the countryside. The appeal development does not fall within one of the acceptable developments set out within Policy 7.

5. The summerhouse is located to the rear of Grey Winds in an elevated position above the host dwelling and the adjoining highway, Ffordd Cilgwyn. The land forms part of the designated Registered Historic Landscape of Newport & Carningli (Landscape Character Area 22), and adjoins a Site of Special Scientific Interest.
6. The summerhouse is of a circular design measuring approximately 3.7 metres in diameter with a pitched roof measuring about 2.7 metres in height at its apex, with cedar cladding and a rubber roof, double glazing windows and a log burner. The summerhouse is described by the Appellant as being required to carry out conservation work and for quiet contemplation.
7. In terms of visibility, due to the site’s position and the steeply sloping topography I observed that the summerhouse is visible from several locations, including the nearby public footpath leading to the rocky outcrop of Carn Cwn. The summerhouse is viewed as being significantly detached from the house and has more affinity with the surrounding open common land rather than being part of the built form of the residential buildings located below along Ffordd Cilgwyn. As a result of its detachment away from the house, and due to its scale and positioning high up on the hillside, it is seen as an intrusive form of development within this highly sensitive and historically important countryside location and has a detrimentally harmful impact on the landscape.
8. The Appellant contends that the summerhouse is located within the garden area and curtilage of Grey Winds, and my attention has been drawn to an appeal decision in Faversham (APP/V2255/X/19/3241797) which in turn refers to various case law and court judgements which address the meaning of ‘curtilage’. It is clear from the appeal decision and case law that it is apparent that whether land comprises ‘curtilage’ is a question of fact and degree to be considered on a case by case basis and thus primarily a matter for the decision maker.
9. In this case, the 1888 map provided in the Appellant’s evidence clearly shows that the land to the rear of the dwelling was split into three fields / parcels of land, and I saw on my site visit that this is the case. There is an established garden and curtilage immediately surrounding the property with an area allocated for horticulture including a polytunnel. However, there is a distinct change as one walks up through the middle section of land and up to the summerhouse where the land is more overgrown with bracken and has more affinity with the landscape of Carningli Mountain rather than being domestic in nature. Although it could be argued that a functional relationship exists, the land surrounding the summerhouse does not have a close spatial relationship with the dwelling which is located a substantial distance below.
10. I have taken into account the Appellant’s conservation work and the resulting increase in biodiversity and wildlife. Nevertheless, my observations of the appeal site lead me to conclude that the development appears obtrusive in the landscape and has a detrimental impact on the character and appearance of the area and on the special qualities of the National Park. To this end, the development conflicts with Policies P7 ‘Countryside’ and P8 ‘Special Qualities’ of the LDP.
11. The Appellant has raised concerns regarding the Members of the planning committee and the alleged misapplication of planning policy. Whilst I have taken into account these concerns, including the legal judgement referred to me (*British Oxygen v Minister of Technology [1970] UKHL 4*), I am not persuaded that members of the planning

committee acted in an unreasonable manner. Having regard to the Planning Officer's report I consider that the planning committee members made their decision in full knowledge of national and local planning policies and all other considerations that were material and relevant to the development.

Conclusions

12. Having regard to the above and considered all other matters raised by the Appellant, I conclude that the appeal should be dismissed.
13. In reaching my decision, I have taken into account 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 the Welsh Ministers' well-being objectives of making our cities, towns and villages even better places in which to live and work.

R. Duggan

INSPECTOR