

REPORT OF HEAD OF DEVELOPMENT MANAGEMENT ON APPEALS

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

- NP/11/185** Conversion of outbuilding to dwelling – The Old Cottage,
Llanvirn, Berea
Type Written Representation
Current Position The appeal has been dismissed and a copy of the Inspectors report is attached for information.
- NP/11/246** Temporary toilet and show accommodation (retrospective) –
Porthclais, Ffordd Porth Clais, St Davids
Type Written Representation
Current Position The appeal has been dismissed and a copy of the Inspectors report is attached for information..
- NP/11/250** Replacement garage, extension & car parking – 7 Prendergast,
Solva
Type Householder
Current Position The paperwork has been forwarded to the Inspector and his decision is awaited.
- NP/11/275** Demolish existing & rebuild dwelling – Green Shutters,
Freshwater East
Type Hearing
Current Position The appeal has been allowed and a copy of the Inspectors report is attached for information.
- NP/11/276** 11 Replacement Dwellings- Llwyngwair Manor, Newport, Pems
Type: Hearing
Current Position: The initial papers have been forwarded to the Inspector and a Hearing has been arranged for the 24th July, 2012.
- NP/10/451** Alterations and Extensions to Existing Clubhouse and Road
Improvements – Meadow House Holiday Park, Summerhill, Amroth
Type Hearing
Current Position A hearing was held on the 1st May, 2012 and the Inspectors decision is awaited.
- NP/11/180** Stationing of 8 No.Lodges (on axel) – Meadow House Holiday Park,
Summerhill, Amroth
Type Hearing
Current Position A hearing was held on the 1st May, 2012 and the Inspectors decision is awaited.

NP/11/308 Conversion of garage and store to residential (retrospective)-
Sunnydene, Valley Road, Saundersfoot
Type: Written Representation
Current Position: The initial papers have been forwarded to the Inspector and his decision is awaited.

NP/11/315 Erection of artists studio & retention of 2 containers in new location-
Blaenafon, Mill Lane, Newport
Type Written Representation
Current Position The initial paperwork has been forwarded to the Inspector.

NP/11/401 One and half storey 2 bed house with parking and access, Site at
The Court Garden, Lydstep, Tenby
Type: Written Representation.
Current Position: The initial papers have been forwarded to the Inspector.

NP/11/409 Two storey extension to side of dwelling- Fernhill,
Mill Lane, Newport.
Type Written Representation
Current Position The appeal has been allowed and a copy of the Inspectors report is attached for information.

NP/11/440 Alterations & extensions – 1 St Brides View, Solva
Type Householder
Current Position The appeal has been allowed and a copy of the Inspectors report is attached for information.

NP/11/510 Single storey glazed rear extension- Ffynnon Faiddog, St Davids,
Haverfordwest, Pembrokeshire, SA62 6PT.
Type Householder
Current Position The initial paperwork has been forwarded to the Inspector and his decision is awaited.

EC11/0071 Unauthorised toilet and shower facilities on site – Caravan Site at
Porthclais, Ffordd Porthclais, St Davids
Type Written Representation
Current Position The appeal has been dismissed and a copy of the Inspectors report is attached for information



Penderfyniad ar yr Apêl

Appeal Decision

Ymweliad â safle a wnaed ar 20/02/12

Site visit made on 20/02/12

Gan G Powys Jones MSc FRTPI

by G Powys Jones MSc FRTPI

Arolygydd a benodir gan Weinidoglon Cymru

an Inspector appointed by the Welsh Ministers

Dyddiad: 19/03/12

Date: 19/03/12

Appeal Ref: APP/L9503/A/11/2167141

The Old Cottage, Llanvirn, Berea, St Davids, Pembrokeshire, SA62 6DX

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 David Williams against the decision of the Pembrokeshire Coast National Park Authority.
 - The application Ref NP/11/185 dated 15 April 2011 was refused by notice dated 1 July 2011.
 - The development proposed is the conversion of outbuilding to dwelling.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the acceptability of the proposed development with particular reference to local need and the accessibility of the appeal property to local services and facilities.

Reasons

3. Although local sporadic residential development is evident, the appeal property is clearly situated in the countryside where national and local policies provide that new housing development should be strictly controlled. Policy 7 of the recently adopted Pembrokeshire Coast National Park Local Development Plan (LDP) sets out the forms of development that may be permitted in the countryside, outside the Centres identified in the plan, in which most local services and facilities are located.
4. Part (d) of policy 7 deals specifically with the conversion of rural buildings, whilst the accompanying text and footnotes provide additional guidance and explanation. Part (d) is made up of 4 strands, and the Authority acknowledges that 2 of its requirements are satisfied. These relate to the acceptability of the form of the conversion and its landscape impact.
5. Planning permission was recently granted to convert the appeal building to holiday accommodation. The plans approved under the terms of that permission are identical to those submitted in connection with this appeal. The conversion and extension are well designed, and it is considered that the development would sit acceptably in its attractive visual context.

6. Paragraph 2.2.2 of *Technical Advice Note 6: Planning for Sustainable Rural Communities* (TAN6) advises that the term 'local need' should be defined in development plans. Whilst the Authority referred to the term in its reason for refusal, it did not clarify its definition for this appeal. However, a footnote to LDP policy 7 suggests that local need, in this context, relates to the provision of affordable housing, and I shall proceed on that basis.
7. The explanatory text clarifies that in drafting policy 7, part (d), the Authority considered national policy advice on prioritising after uses. However, based on its past experience, it adopted a different approach to that advocated in national policy, so that the local policy allows for the conversion of rural buildings to a range of uses, without ranking or preference. These include employment related and residential uses, including full-time residential and holiday accommodation.
8. However, policy 7 and its supporting text also provide that the provision of affordable housing, catering for local needs, would be prioritised in residential conversions, but clarifies that such priority would be given in proposals for two or more residential units. Thus, a proposal to convert to a single unit of residential use, be it full time or holiday accommodation, would not attract the local need requirement. The policy contains no presumption or indication that conversion proposals for single dwellings, not catering for local needs, should not be permitted.
9. The provisions of LDP policy 7 in relation to housing development outside settlements or Centres do not wholly reflect the thrust of the national guidance referred to by the Authority in respect of local need, and the Authority does not contend that the proposal conflicts with the terms of the policy in this particular regard. Nonetheless, the Authority relies on the content of paragraph 2.2.3 of TAN 6 in pursuance of its argument on local need.
10. This appeal must be determined in accordance with the provisions of the adopted LDP, unless material considerations indicate otherwise. Since the relevant LDP policy is up to date; its adoption post dates the TAN 6 guidance referred to in the reason for refusal, and the Authority resolved in its rural conversion policy not to strictly follow the terms of national advice, I afford greater weight on the issue of local need to the provisions of adopted local policy than the material consideration referred to by the Authority.
11. The final strand of LDP policy 7 provides that accessibility to the Centres will be an important consideration. Buses, including school buses, serve Berea, linking it to St Davids and beyond, but the level of the service is such, in the Authority's view, that it is insufficient to provide a realistic alternative to car travel.
12. Neither UDP policy 7 nor its supporting text provides guidance as to what comprises an acceptable level of accessibility when assessing residential uses. The Authority, however, based on information included in a background paper produced during the preparatory stages of the LDP, considers a service providing 5 journeys each way per day to be a minimum requirement for permanent or full-time residential accommodation. On the evidence of the time-tabling information provided by both parties, the bus service for Berea falls short of that deemed by the Authority to be the minimum requirement for the proposed use, particularly in winter.
13. The appellants dispute the Authority's contention, and consider the bus service to be more than adequate to serve the needs of a rural community. They also find it strange that planning permission should rely on what the Authority perceives as an

adequate bus service. However, the Authority's objection appears to run deeper than that, reflecting its wider concern that the location of development should be sustainable, such as to place less reliance on the use of the motor car. In this respect the Authority's stance is wholly consistent with national planning policies.

14. In distinguishing between the travel behaviour patterns of tourists and full time residents, the Authority contends that tourists are more flexible in their daily routines, and were therefore more likely to use the limited bus service available than full time occupants. For that reason, there was likely to be less reliance on the use of the motor car, which by implication, made the holiday use more sustainable.
15. No explanation was provided as to whether this view was based on research, or assertion, but it was not a point seriously challenged with relevant and convincing evidence. In the absence of clear evidence to the contrary as to the respective travel patterns of the users of the different types of residential accommodation, I afford limited weight as a material consideration, in this context, to the recent planning permission granted to convert the property to holiday accommodation.
16. I conclude, in terms of the local need issue, that the proposal does not conflict with LDP policy 7, and that this factor outweighs the material considerations referred to by the Authority. However, the proposal conflicts with LDP policy 7 in terms of its accessibility to local services and the identified Centres, and would lead to the harmful creation of unsustainable development. This is sufficient reason to dismiss the appeal.

Other matters

17. I fully understand the appellants' account of what they perceive as local need, and their view of sustainable rural communities. However, the Authority's strategy as to the location of development is recently adopted following extensive public consultation and debate, and accordingly should take precedence.
18. The appellants' personal circumstances have been taken into account, but neither they nor any other matter raised outweigh the considerations that led me to conclude that the appeal should be dismissed.

G Powys Jones

INSPECTOR



29 MAR 2012

Penderfyniad ar yr Apêl

Appeal Decision

Ymweliad â safle a wnaed ar 19/03/12

Site visit made on 19/03/12

gan A D Poulter BA BArch RIBA

by A D Poulter BA BArch RIBA

Arolygydd a benodir gan Weinidogion Cymru

an Inspector appointed by the Welsh Ministers

Dyddiad: 29/03/12

Date: 29/03/12

Appeal A: APP/L9503/C/11/2161829

Appeal B: APP/L9503/A/11/2160407

Site address: Land at Porthclais Farm, St Davids, Pembrokeshire, SA62 6RR.

The Welsh Ministers have transferred the authority to decide these appeals to me as the appointed Inspector.

- **Appeal A** is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
- The appeal is made by Dr T Hardman against an enforcement notice issued by the Pembrokeshire Coast National Park Authority.
- The Council's reference is EC11/0071.
- The notice was issued on 7 September 2011.
- The breach of planning control as alleged in the notice is: *without the benefit of planning permission, the erection of toilet and shower portacabins.*
- The requirements of the notice are: permanently remove the portacabins from the land.
- The period for compliance with the requirements is: *two months from the day on which this Notice takes effect.*
- The appeal is proceeding on the grounds set out in section 174(2)(a) and (b) of the Town and Country Planning Act 1990 as amended.
- **Appeal B** 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 Dr T Hardman against the decision of the Pembrokeshire Coast National Park Authority.
- The application Ref NP/11/246, dated 8 April 2011 (registered 14 June 2011), was refused by notice dated 8 August 2011.
- The development proposed is temporary toilet and shower accommodation at camping and caravan site at Porthclais Farm (Retrospective).

Decisions

Appeal A

1. The appeal is dismissed and the enforcement notice is upheld. Planning permission is refused on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

Appeal B

2. The appeal is dismissed.

Background

3. The planning application to which Appeal B relates sought temporary permission for 'portacabin' toilet and shower accommodation for the 2011 season (six months maximum), and was submitted retrospectively. It has been confirmed for the

appellant that planning permission is not sought for the future siting of temporary toilet and shower facilities. The appeals are being pursued as the appellant wishes to establish either that the breach of planning control alleged in the notice did not occur as a matter of fact, or that any development that did take place should have been authorised by the grant of planning permission. There is no dispute that the portacabins were removed on or about September 14th 2011. Planning permission was granted for alterations to an existing agricultural building to provide permanent toilet and shower facilities to compliment the existing camping and caravan site in April 2011¹.

Main Issues

4. With regard to Appeal A, ground (b), this is whether the breach of control alleged in the enforcement notice has occurred as a matter of fact. With regard to Appeal A, ground (a), and Appeal B, this is the effect of the development proposed on the character and appearance of the area, having regard to the statutory purposes of the National Park. These are the conservation and enhancement of its natural beauty, wildlife and cultural heritage, and the promotion of opportunities for public understanding and enjoyment of its special qualities.

Reasons

Appeal A, ground (b)

5. It is contended for the appellant that the setting up of mobile portacabins in 2011 did not amount to operational development, and therefore the alleged breach has not occurred. As noted for the appellant, the key factors in determining whether a structure amounts to a building are size, permanence, and physical attachment. All three factors need to be applied and considered, but it may be appropriate to give greater weight to one over another in reaching a conclusion.
6. In this instance the portacabins were not of such a size that they must have been constructed on site – indeed there is no dispute that they were delivered to site by lorry. However, that is not of itself decisive.
7. Although they were only required for a limited length of time, the portacabins when delivered were placed in a predetermined position within an enclosure, close to services to which they were then connected. Special lifting apparatus would have been necessary to move them. It is clear that they were not intended to be moved about once delivered, and they stayed in their initial places. They were used in connection with camping and caravanning, which although seasonal is a long established, ongoing, and therefore permanent activity on the appeal property. I consider for these reasons that they had a significant degree of permanence.
8. The portacabins stood on adjustable legs on paving slabs, but through their own weight had a significant degree of physical attachment to the land. They were also attached to services, thus increasing the degree of attachment.
9. For these reasons I consider that, as a matter of fact and degree, the setting up of the portacabins was a building operation, and amounted to operational development. I has not been demonstrated on the balance of probability that the portacabins would have been classed as mobile or touring caravans, the stationing of which would not be

¹ Ref 10/141, Planning Permission dated 26 April 2011.

taken to involve any building operations. I conclude that that the breach of control alleged in the enforcement notice has occurred as a matter of fact and degree. The appeal on ground (b) therefore fails.

Appeal A, ground (a), and Appeal B

10. The portacabins were utilitarian and unattractive structures that did not harmonise with the backdrop of traditional farm buildings and their rural surroundings. They were not entirely screened by the enclosure and so caused significant visual intrusion. They were therefore harmful to the attractive rural character of the area, and to its natural beauty and special qualities. They conflicted in this respect with Policy 15 of the *Pembrokeshire Coast National Park Local Development Plan (LDP)*, which resists such development. As they were not well suited to local sense of place and distinctiveness there was conflict with LDP Policy 29. As the development was of not of a design and scale that was compatible with its surroundings, and was visually intrusive, there was also conflict with LDP Policy 30. There was also conflict with LDP Policy 40, which relates specifically to site facilities on tent, chalet and caravan sites, and which also requires their scale and design to be compatible with the character of the surrounding area. The grant of planning permission for the portacabins for the development that took place would therefore conflict with the development plan for the area.
11. The portacabins provided facilities for visitors to the National Park for the 2011 season, pending construction of the approved new facilities, as the existing block was considered by the appellant to be aging, very basic and not suitable for the disabled. They therefore helped to promote opportunities for public understanding and enjoyment of the special qualities of the National Park during that period. However, at the same time they damaged the special qualities that are attractive to visitors. As advised at paragraph 5.3.4 of *Planning Policy Wales (Edition 4, February 2011)* where, as in this instance, there is conflict between the purposes of the National Parks, planning authorities should give priority to the conservation and enhancement of natural beauty. I do not consider that the harm to the character and appearance of the area that I have identified was outweighed by the benefits of the portacabins to matters of public interest.
12. I have taken into account all other matters that have been raised, including site licensing requirements, and the appellant's contention that the Council's decisions to issue the Notice and refuse planning permission were unduly influenced by neighbours' representations. However, I find no material considerations that would lead me to determine the planning merits of the portacabins other than in accordance with the development plan.

Conclusions

13. For the reasons given above I conclude that Appeal A should be dismissed and the enforcement notice should be upheld. Planning permission should be refused on the application deemed to have been made under section 177(5) of the 1990 Act as amended. I also conclude that Appeal B should be dismissed.

A D Poulter

INSPECTOR



Penderfyniad ar yr Apêl

Gwrandawriad a gynhaliwyd ar 20/03/12
Ymweliad â safle a wnaed ar 20/03/12

gan Mr A Thickett BA(Hons) BTP
MRTPI DipRSA

Arolygydd a benodir gan Weinidogion Cymru

Dyddiad: 03/04/12

Appeal Decision

Hearing held on 20/03/12
Site visit made on 20/03/12

by Mr A Thickett BA(Hons) BTP MRTPI
DipRSA

an Inspector appointed by the Welsh Ministers

Date: 03/04/12

Appeal Ref: APP/L9503/A/11/2166100

**Site address: Green Shutters, Jason Road, Freshwater East, Pembrokeshire,
SA71 5LE**

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 Westgarth Carroll against the decision of Pembrokeshire Coast National Park Authority.
 - The application Ref NP/11/275, dated 28 February 2011, was refused by notice dated 31 August 2011.
 - The development proposed is the demolition of the existing property and the erection of a replacement dwelling.
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Decision

1. The appeal is allowed and planning permission granted subject to the conditions set out in the schedule at the end of this decision.

Main Issues

2. The main issues are the impact of the proposed development on the character and appearance of the area and the privacy of neighbouring residents.

Reasons

Character and appearance

3. Green Shutters was built as a holiday chalet around the 1930s. The property sits below Jason Road on a steep wooded hillside which falls to a beach. The chalet is accessed by a narrow track which runs between garages and a parking area belonging to Greenbanks on one side and the large front garden to Duneside on the other. There is no set pattern of development to the south of Jason Road and although mainly single storey, there is a wide variety in the size and appearance of buildings ranging from modest chalets to substantial dwellings.
 4. The Authority has no objection in principle to the construction of a replacement dwelling. It also accepted at the Hearing that, in terms of site coverage, the proposed development would be similar to that of other properties in the area. A wide gap between the proposed dwelling and the boundary with Duneside would provide breathing space and I do not consider that it would appear cramped or over dominant.
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5. The building would be two storey at the rear but would be cut into the hill side so that it would appear as single storey from the north. The proposed dwelling would be taller than the chalet but it would not be visible from Jason Road and, in terms of its height and bulk, would not look out of place when compared to Duneside (which is also two storey to the rear) and other buildings in the locality. The design retains a chalet feel and I agree with the appellant that by taking advantage of the topography of the site to minimise its height and by using natural materials, the proposed dwelling would blend in with its surroundings.
6. The Council did not challenge and, from my observations, I see no reason to doubt the appellant's assertion that the proposed building would not be visible from the beach. If it were seen it would nestle into this densely wooded hillside and be viewed in the context of and would complement the surrounding buildings. I conclude, therefore, that the proposed development would not have an adverse impact on the character and appearance of the area and that it complies with Policies 1, 8 and 15 of the Pembrokeshire Coast National Park Local Development Plan 2010 (LDP).

Privacy

7. The proposed balcony would be some distance from the shared boundary with Duneside (which has a first floor balcony) and, standing on the appeal site, I could not see The Chalet which lies to the south and below Green Shutters. Greenbanks is separated from the appeal site by a public footpath. The bungalow sits lower on the hillside and would be 22m from the proposed dwelling. The existing building has a balcony on the southern elevation, the side of which is about 1m from the boundary with the public footpath. Standing on the balcony, I could see through the hedge on the boundary with the footpath into part of the garden of Greenbanks.
8. The proposed balcony would be about 300mm higher than the existing balcony and would extend across the whole of the rear of the house. However, it would not project as far into the garden and would be further away from the boundary with Greenbanks. Consequently, I do not consider that the impact of the proposal on the privacy of neighbouring residents would be any worse than the existing situation. The appellant proposes to strengthen the hedge which should benefit the occupiers of Greenbanks. I conclude that the proposed development would not have an adverse impact on the privacy of neighbouring residents and that it complies with Policy 30 of the LDP.

Conditions

9. I have considered the Council's suggested conditions in light of the advice in Circular 35/95. I shall, in the interests of the visual amenity of the area and sustainable development, impose conditions relating to materials, landscaping, levels, the proposed solar panels and the Code for Sustainable Homes. Bats have been recorded on the site and I shall impose a condition requiring the provision of bat boxes. The Environment Agency report that the site is close to Blue Flag Bathing Beach and Pembrokeshire Marine Special Area of Conservation and, in order to safeguard these interests, I shall impose a condition relating to foul drainage.
10. The Circular advises that it will rarely be necessary to require development to be carried out in accordance with the approved plans. Any material deviation could be addressed through enforcement action and I see no need for such a condition. Permitted development rights should only be removed in exceptional circumstances. Permitted development rights are restricted in national parks and I have neither seen nor heard anything to suggest that the character and appearance of this particular

area is so special that it warrants removing those rights altogether. In light of my conclusions with regard to the proposed balcony, I see no need to impose a condition requiring the provision of screens.

Conclusions

11. For the reasons given above and having regard to all matters raised I conclude that the appeal should be allowed.

Anthony Thickett

Inspector

APPEARANCES

FOR THE APPELLANT:

Mr W S Carroll

Mr P Carroll

FOR THE LOCAL PLANNING AUTHORITY:

Mr L Jones

Schedule

Appeal Ref: APP/L9503/A/11/2166100

12. The appeal is allowed and planning permission is granted for the demolition of the existing property and the erection of a replacement dwelling at Green Shutters, Jason Road, Freshwater East, Pembrokeshire, SA71 5LE in accordance with the terms of the application, Ref NP/11/275, dated 28 February 2011 and the plans submitted with it, subject to the following conditions:

- 1) The development hereby permitted shall begin not later than five years from the date of this decision.
- 2) No development shall take place until samples of the materials to be used in the construction of the external surfaces of the building hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
- 3) No development shall take place until there has been submitted to and approved in writing by the local planning authority a scheme of landscaping. The scheme shall include indications of all existing trees and hedgerows on the land, identify those to be retained and set out measures for their protection throughout the course of development.
- 4) All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the building or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the local planning authority gives written approval to any variation.
- 5) No development shall take place until details of ground and floor levels have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
- 6) No development shall take place until details of the proposed solar panels have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
- 7) No development shall take place until details of a bat box to be fitted to the dwelling hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
- 8) No development shall take place until details of a scheme for the disposal of foul water has been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
- 9) The dwelling hereby permitted shall be constructed to achieve a minimum Code for Sustainable Homes Level 3 and achieve a minimum of 1 credit under category 'Ene1 - Dwelling Emission Rate' in accordance with the requirements of the Code for Sustainable Homes: Technical Guide November 2010. Development shall be carried out in accordance with the approved details.

- 10) The construction of the dwelling hereby permitted shall not begin until an 'Interim Certificate' has been submitted to the local planning authority, certifying that a minimum Code for Sustainable Homes Level 3 and a minimum of 1 credit under 'Ene1 - Dwelling Emission Rate', has been achieved for the dwellings in accordance with the requirements of the Code for Sustainable Homes: Technical Guide November 2010.
- 11) Prior to the occupation of the dwelling hereby permitted, a Code for Sustainable Homes 'Final Certificate' shall be submitted to the local planning authority certifying that a minimum Code for Sustainable Homes Level 3 and a minimum of 1 credit under 'Ene1 - Dwelling Emission Rate', has been achieved for the dwellings in accordance with the requirements of the Code for Sustainable Homes: Technical Guide November 2010.



Penderfyniad ar yr Apêl

Appeal Decision

Ymweliad â safle a wnaed ar 19/03/12

Site visit made on 19/03/12

gan Mr A Thickett BA(Hons) BTP
MRTPI DipRSA

by Mr A Thickett BA(Hons) BTP MRTPI
DipRSA

Arolygydd a benodir gan Weinidogion Cymru

an Inspector appointed by the Welsh Ministers

Dyddiad: 17/04/12

Date: 17/04/12

Appeal Ref: APP/L9503/A/12/2170784

Site address: Fernhill, Mill Lane, Newport, SA42 0QT

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 C McGrath against the decision of Pembrokeshire Coast National Park Authority.
- The application Ref NP/11/409, dated 26 September 2011, was refused by notice dated 2 December 2011.
- The development proposed is a two storey extension to side of dwelling.

Decision

1. The appeal is allowed and planning permission granted for a two storey extension to side of dwelling at Fernhill, Mill Lane, Newport, SA42 0QT in accordance with the terms of the application, Ref NP/11/409, dated 26 September 2011 and the plans submitted with it, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than five years from the date of this decision.
 - 2) The materials to be used in the construction of the external surfaces of the extension hereby permitted shall match those used in the existing building.

Procedural matters

2. The appellant requests that I determine this appeal based on an amended plan which was submitted to the Authority before the planning application was determined. The Authority has not objected to the proposed amendment being accepted but the Town Council has not had the opportunity to view and comment on it. I have, therefore, determined this appeal on the basis of the plan stamped 'Refused Plan', entitled 'Existing and proposed elevation and floor plans', dated 21 September 2011 marked V3.
3. The lean to extension to the south elevation shown on the submitted plans was under construction at the time of my visit.

Main Issue

4. The main issue is the impact of the proposal on the character and appearance of the area.

Reasons

5. Fernhill sits on a hillside to the south of the village of Newport and enjoys sweeping views of Newport Sands. The proposed extension has been designed to make the most of this advantage and the northern wall is mostly glazed. The original cottage has already been extended to the rear. This extension is not readily visible from the front of the house but is visible in views from the north. The existing extension does little for the building and, viewed from the north, it has lost most of its original charm.
6. The proposed extension would not be seen from the front of the house. It would have a simple form in keeping with the original building and would be subordinate to the existing building. In my view, the design of proposed extension artfully mixes traditional (timber, matching render and slates) and contemporary (the full height glazing) to create an addition which would lift this elevation and improve the building. I conclude, therefore, that the proposed development would have a beneficial impact on the character and appearance of the area and that it complies with Policies 8, 15 and 30 of the Pembrokeshire National Park Local Development Plan.

Conditions

7. I have considered the Council's suggested conditions in light of the advice in Circular 35/95. It is necessary, in the interests of the visual amenity of the area, to impose a condition regarding materials. The Circular advises that it will rarely be necessary to require development to be carried out in accordance with the approved plans. Any material deviation could be addressed through enforcement action and I see no need for such a condition. Requiring the whole house to be retrofitted with respect to energy saving is out of proportion with the proposed development and unduly onerous.

Conclusions

8. For the reasons given above and having regard to all matters raised I conclude that the appeal should be allowed.

Anthony Thickett

Inspector



Penderfyniad ar yr Apêl

Ymweliad â safle a wnaed ar 19/03/12

gan **A D Poulter BA BArch RIBA**

Arolygydd a benodir gan Weinidogion Cymru

Dyddiad: 29/03/12

Appeal Decision

Site visit made on 19/03/12

by **A D Poulter BA BArch RIBA**

an Inspector appointed by the Welsh Ministers

Date: 29/03/12

Appeal Ref: APP/L9503/A/11/2169408

Site address: Aelybryn, 1 St Brides View, Fort Road, Solva, Pembrokeshire, SA62 6TB.

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 G Dudlyke against the decision of the Pembrokeshire Coast National Park Authority.
 - The application Ref NP/11/440, dated 5 October 2011, was refused by notice dated 20 December 2011.
 - The development proposed is alterations and side extension.
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Decision

1. The appeal is allowed and planning permission is granted for alterations and side extension at Aelybryn, 1 St Brides View, Fort Road, Solva, Pembrokeshire, SA62 6TB in accordance with the terms of the application, Ref NP/11/440, dated 5 October 2011, and the amended plans submitted with it, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than five years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 803-01, 02, 03, and 04 (received 7 October 2011); and 19A, 20A, 21A, and 22A (received on 15 December 2011).

Main Issue

2. This with whether the proposed development would preserve or enhance the character or appearance of the Solva Conservation Area.

Reasons

3. The appeal relates to an end-terrace cottage in the Solva Conservation Area. This is an irregular grouping of cottages with considerable period charm. The appeal property has a single-storey lean-to garage at the side. It is proposed that this would be replaced with a two-storey side extension. This would be set back slightly from the line of the front wall, and its ridge line would be lower than the height of the main part of the roof. The front elevation would have rough-cast render to match the existing building. The proposed windows would be of traditional pattern, and would have rendered surrounds.

4. I saw that the conservation area is characterised by cottages with a variety of extensions and alterations. There would be space at the side of the proposed extension. I therefore do not consider that it would appear 'squeezed' or over-developed. Rather, it would be of a traditional appearance and small scale, appropriate to the location. As it would be set back and have a lower ridge line it would not break up the existing rhythm of the terrace of which it would be a part, and the modest traditional character of the existing building would be preserved.
5. I consider for these reasons that the proposed development would be well designed and appropriate to its location, and would preserve and enhance the character and appearance of the Solva Conservation Area. I therefore find no conflict with Policies 1, 8, 15, 29, or 30 of the Pembrokeshire Cost National Park Local Development Plan (LDP), or with the statutory requirements of Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.
6. Bearing in mind Welsh Office Circular 35/95: *The Use of Conditions In Planning Permissions*, I have imposed the normal condition relating to commencement, and for clarity, a condition relating to compliance with the amended drawings. The proposal included an Energy, Water and Drainage questionnaire setting out a range of desirable measures. However, I have not included a suggested condition requiring the measures to be carried out, as many of them relate to elements of the building for which planning permission would not be required. The suggested condition would therefore not be enforceable.
7. I have taken other matters that have been raised into account, including the existence of an unimplemented planning permission for alterations and a rear extension. However, I find nothing to turn me from the conclusion that the proposed development would be consistent with the policies of the LDP, and find no material considerations that would lead me to determine the appeal other than in accordance with that plan. I conclude that the appeal should be allowed.

A D Poulter

INSPECTOR