

## REPORT OF THE 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/15/0431/FUL** Ground/first floor extensions to garage & alterations to main bungalow roof space to create bedrooms/bathrooms, plus Juliet balconies to rear elevation and creation of integral annex - 29, Millmoor Way, Broad Haven, Haverfordwest, Pembrokeshire, SA62 3JJ

**Type:** Written Representations

**Current Position:** This appeal has been dismissed and a copy of the Inspectors decision is attached for your information.

**NP/15/0310/FUL** Eco-smallholding, including one dwelling - One Planet Development  
Land Adjacent to Castle Hill, Newport, Pembrokeshire, SA420QE

**Type:** Hearing

**Current Position:** The initial papers have been forwarded to the Planning Inspectorate. The Appeal Hearing is to be held on 1<sup>st</sup> November 2016 at PCNPA Offices, Llanion Park, Pembroke Dock, SA72 6QY

**NP/15/0031/OUT** Residential development - 27 dwelling units (outline seeking approval of Access & Layout)  
Land off Trewarren Road, St Ishmaels, Haverfordwest, Pembrokeshire, SA62 3SZ

**Type:** Inquiry

**Current Position:** The initial papers have been forwarded to the Planning Inspectorate. The Inquiry is to be held on 27<sup>th</sup> October 2016 at PCNPA Offices, Llanion Park, Pembroke Dock, SA72 6QY

**EC/16/0004** Installation of Upvc windows and stainless steel flue  
Tower Cottage, Lower Frog Street, Tenby, Pembrokeshire, SA70 7HZ

**Type:** Written Representations

**Current Position:** This appeal has been dismissed and a copy of the Inspectors decision is attached for your information.



## Penderfyniad ar yr Apêl

Ymweliad â safle a wnaed ar 26/07/16

gan Paul Selby BEng (Hons) MSc  
MRTPI

Arolygydd a benodir gan Weinidogion Cymru

Dyddiad: 02/08/2016

## Appeal Decision

Site visit made on 26/07/16

by Paul Selby BEng (Hons) MSc MRTPI

an Inspector appointed by the Welsh Ministers

Date: 02/08/2016

Appeal Ref: APP/L9503/A/16/3142817

Site address: 29 Millmoor Way, Broad Haven SA62 3JJ

**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 M Brookes against the decision of Pembrokeshire Coast National Park Authority.
- The application Ref NP/15/0431/FUL, dated 23 July 2015, was refused by notice dated 16 November 2015.
- The development proposed is Ground / First Floor Extensions to garage and alterations to main Bungalow roof space to create bedrooms/bathrooms, plus Juliet balconies to rear elevation.

### Decision

1. The appeal is dismissed.

### Main Issue

2. The main issue is the effect of the proposal on the character and appearance of the area and the special qualities and character of the National Park.

### Reasons

3. The appeal relates to a detached bungalow with an attached flat roof garage situated on a corner plot adjacent to an access road which serves a public car park to the rear of the site. The wider residential area has an open character which derives from the modest size and height of houses and lack of trees, and which affords glimpsed views of the sea, coastline and surrounding open countryside.
4. There are a number of properties in the locality which have been extended or altered. However, whilst there is variety in the style and design of dwellings on Millmoor Way, the form and appearance of the bungalows immediately adjacent to the site are similar to the appeal property. Their low eaves and shallow roof pitches reduce their visual dominance and contribute to the openness which affords the immediate residential area its character.
5. The proposed alterations and extensions would increase the ridge height of the existing dwelling by around 2 metres which, together with a roof extension to the

Pembrokeshire Coast  
National Park Authority

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Awdurdod Parc Cenedlaethol  
Arfordir Iwerddon

garage, would result in the appearance of a substantially larger dwelling. To the rear a significant roof slope would accommodate three large dormer insertions with Juliet balconies, the middle of which would feature a tall gable. Whilst the dormers would be set down towards the eaves, the rear elevation would lack symmetry and visual coherence, and this poor articulation would be clearly visible from the public car park. At its northern elevation the pronounced roof form would appear as a dominant feature in views from the adjacent access road and from Millmoor Way, and its apparent height would be further accentuated by the proximity of the dwelling to the property boundary and a tall, protruding arrow-slit window in the flank wall. Viewed from the front, despite the screening provided by the shrubs and bushes present in the front garden, the large roof slope would overwhelm the modest form and design of the existing house. Overall, the proposed extended dwelling would appear incongruous in the streetscene and would harm the character and appearance of the immediate area.

6. The dwelling would also be visible from public viewpoints of significance within the vicinity, including from the Wales Coast Path and Broad Haven beach. However, in these longer range views the property would predominantly be seen against the backdrop of other nearby dwellings. Given the difference in styles and forms present in the immediate residential area, I consider that the proposal would not cause significant visual intrusion that would harm the character of the wider landscape or the special qualities or character of the National Park.
7. I appreciate that there are other examples of modified properties in the area, including the neighbouring bungalow, which features a rear flat roof dormer insertion, as well as more extensive alterations nearby. However, I am not aware of the particular circumstances of these other cases and in any event must consider the appeal scheme on its own merits. The existence of similar forms of development in the vicinity does not justify the harm that I have identified or the benefits of providing additional living space for occupants.
8. For the above reasons, and taking account of all other matters raised, I conclude that the proposal would be contrary to the objectives of the relevant criteria of policies 8, 29 and 30 of the Pembrokeshire Coast National Park Local Development Plan, which seek to ensure that development assists in protecting the identity and character of towns in the National Park, is well designed and sensitive to its surroundings. Consequently the appeal is dismissed.

*Paul Selby*

INSPECTOR



## Penderfyniad ar yr Apêl

Ymweliad â safle a wnaed ar 02/08/16

gan Aidan McCooey BA MSc MRTPI

Arolygydd a benodir gan Weinidogion Cymru

Dyddiad: 18.08.2016

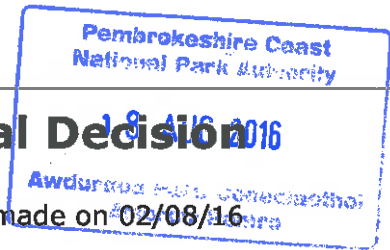
## Appeal Decision

Site visit made on 02/08/16

by Aidan McCooey BA MSc MRTPI

an Inspector appointed by the Welsh Ministers

Date: 18.08.2016



Appeal Ref: APP/L9503/F/16/3146369

Site address: Tower Cottage, Lower Frog Street, Tenby, Pembs, SA70 7 HZ

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

- The appeal is made under section 39 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by the Planning and Compensation Act 1991.
- The appeal is made by Mr Charles Fecci against a listed building enforcement notice issued by Pembrokeshire Coast National Park Authority.
- The Authority's reference is EC16/0004.
- The notice was issued on 2 February 2016.
- The contravention of listed building control alleged in the notice is:
  - i. The replacement of three timber sash windows to the front (east) elevation with uPVC windows without listed building consent
  - ii. The installation of a stainless steel flue to the main roof-pitch without listed building consent.
- The requirements of the notice are:
  - i. Remove three unauthorised uPVC windows from the front (east) elevation of the building;
  - ii. Reinstate the removed windows with timber vertical sliding sash windows (as marked on photograph A) with painted finish. Design to be four paned (two over two) with horns; and
  - iii. Remove the stainless steel flue and make good the roof in matching slates.
- The period for compliance with the requirements is 2 years after the notice takes effect.
- The appeal is made on the grounds set out in section 39(1) (d) of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended.

### Decision

1. The appeal is dismissed and the listed building enforcement notice (LBEN) is upheld.

### Reasons

#### *Ground (d)*

2. To succeed on this ground the appellant must demonstrate that the works were urgently necessary in the interest of safety or health or for the preservation of the building, that it was not practicable to secure safety or health or, as the case may be, the preservation of the building by works of repair or works for affording temporary support or shelter, and that the works carried out were limited to the minimum measures immediately necessary.
3. The property is set back from the street. It is listed as an unusual cottage built into a bastion (tower) of the medieval town wall. A single storey element projects forward

from the two storey cottage with further accommodation to the right as one looks at the building. The windows in question are in the main wall of the cottage (marked window A on the Authority's photograph) and in the east wall of the single storey element closest to the street (windows B and C). The flue in question is clearly visible in the main roof plane facing the street.

4. The submitted evidence consists of a letter from an architect – Mr Hughes and a statement from the agent. The agent states that the Fecci family has owned the building for 36 years. This would be after the building was listed in 1977. Mr Hughes refers to his involvement with urgent works to renovate the building when it was derelict, around 40 years ago. The works were agreed with Local Authority officers, it is claimed, and consisted of replacing the existing windows, which were metal single pane windows, with uPVC windows. It is stated that the works also included a new roof and a metal flue for the fire. This does not accord with the listing description, which refers to a four pane sash window to the ground floor left (window A) and 2 four pane sashes in E end wall (windows B and C). The Authority's photograph is dated 2001 and appears to show wooden sliding sash windows as described in the listing. Mr Moore's recollections are, he says, from nearly 40 years ago. Some doubt is cast on his statements regarding the condition of the building, the existing windows and the extent and form of the works by the available documentary evidence.
5. The appellant's evidence that the current uPVC windows were inserted 40 years ago is contested by the Authority for another reason. The type of uPVC windows currently in situ only came into use within the last decade or so. Windows from the 1980s would have been of the fixed "tilt and turn" design, which the subject windows are not. The flue also appears to post-date the building's listing in 1977 from the evidence supplied by the Authority and the fact that it is not mentioned in the revised list description of 2002. The appellant has supplied no documentary evidence that the works received listed building consent. The Authority states that they did not receive any consent.
6. No explanation is offered as to why the works were urgently necessary. Mr Hughes letter implies work of renovation and repair rather than dealing with an urgent situation. The installation of new sliding sash windows instead of uPVC windows would have achieved the same end without detrimental effects on the listed building or its features of special architectural or historic interest. I conclude that it has not been demonstrated that ground (d) has been met and the appeal on this ground must fail.

#### *Other Possible Grounds of Appeal*

7. I shall deal with the question of whether listed building consent should be granted for the retention of the windows, as this may be a hidden ground of appeal. I note that Cadw are of the opinion that the works do have a detrimental effect on the listed building. Cadw states that the works do not preserve the features of special architectural or historic interest that the listed building possesses or its setting and the works have a detrimental impact on the character and appearance of the surrounding Conservation Area as a whole.
8. I agree with this assessment. There is no clear evidence of the condition of the building at the time the windows were replaced. The assertion that the 3 windows in question were not wooden sash windows is not supported by the Authority's photographic evidence. Mr Moore states that consent was given verbally by officers of

the Local Planning Authority. There is no record of any consent being granted. It is clear that works have taken place since the building was listed. The works have had an adverse impact on the listed building and its setting. I conclude that listed building consent should not be granted for their retention and that the notice should be upheld.

9. The appellant appears to dispute the requirements of the LBEN to replace the windows with timber sash windows, stating that plastic windows of the required style could be used. I do not consider that the use of uPVC windows on a listed building such as this would be appropriate. The use of this non-traditional material would be detrimental to the special features of the listed building for the reasons given above. I therefore conclude that this ground of appeal, if claimed, should also fail.

### **Conclusion**

10. The evidence does not support the contention that the works were urgently necessary and no alternative was available. The works are detrimental to the listed building because they do not preserve the features of special architectural or historic interest that the listed building possesses or its setting. The requirements of the notice are appropriate and necessary to remedy the effects of the unauthorised works. I conclude, having considered all the evidence, that the appeal should fail and the LBEN is upheld.

*A L McCooey*

**Inspector**