

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:-

NP/16/0603/CLE Slurry lagoon & silage clamps – Trewern, Felindre Farchog.
Type Inquiry
Current Position The initial paperwork, statement of case and evidence has been submitted to the Planning Inspectorate. A Public Inquiry took place on 3rd October 2017.

NP/16/0680/S73 Variation of Condition 1 of NP/11/096 to allow amended design – Rockcliffe, 9 Millmoor Way, Broad Haven
Type Written Representation
Current Position The initial paperwork has been submitted to the Planning Inspectorate.

NP/17/0178/FUL Change of use from A1 (retail) to A3 (hot food takeaway) – Units 1 – 3 South Parade, Tenby
Type Hearing
Current Position The initial paperwork has been submitted to the Planning Inspectorate and the hearing has been arranged for 5th December 2017

NP/17/0208/OUT Development of 2 x residential private dwelling houses of the (dormer) bungalow variety, with associated domestic curtilage space, facility for car access & parking, curtilage garden
Type Written Representation
Current Position The initial paperwork has been submitted to the Planning Inspectorate and the hearing has been arranged for 5th December 2017

EC16/0117 Change of use of land from agriculture to car park, installation of payment machine and laying of hardstanding – Rhosson Car Park, Rhosson Chapel, St Justinian's, St Davids
Type Written Reps
Current Position The initial paperwork has been submitted to the Planning Inspectorate.

EC16/0044 Alterations to a listed building – Medical Hall, Tenby
Type Written Reps
Current Position The initial paperwork has been submitted to the Planning Inspectorate.



28 NOV 2017

Penderfyniad ar yr Apêl

Ymweliad â safle a wnaed ar 23/10/17

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

Arolygydd a benodir gan Weinidogion Cymru

Dyddiad: 28.11.17

Appeal Decision

Site visit made on 23/10/17

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

an Inspector appointed by the Welsh Ministers

Date: 28.11.17

Appeal Ref: APP/L9503/A/17/3181458

**Site address: Former Rockcliff, 9 Millmoor Way, Broad Haven, Haverfordwest,
Pembrokeshire 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 under section 73 of the Town and Country Planning Act 1990 for the development of land without complying with conditions subject to which a previous planning permission was granted.
- The appeal is made by Mr S George of West Haven Construction Ltd against the decision of Pembrokeshire Coast National Park Authority.
- The application Ref NP/16/0680/S73, dated 16 December 2016, was refused by notice dated 10 April 2017.
- The application sought planning permission for the demolition of the existing dwelling and the erection of 2 semi-detached units without complying with a condition attached to planning permission Ref NP/11/096, dated 20 June 2011.
- The condition in dispute is No 1 which states that:
'The development hereby permitted shall be carried out, and thereafter retained, strictly in accordance with the deposited plans received on 22 February 2011 (Drawing No 03-Rev C), 15 March 2011 (Drawing No 02-Rev C) and 19 May 2011 (Drawing No 04-Rev E) and subject to any following conditions.'
- The reason given for the condition is: *'To ensure a proper standard of development and appearance in the interest of conserving the amenities and architectural character of the area...'*

Decision

1. The appeal is dismissed.

Background

2. Planning permission was granted in November 2006 for the demolition of the existing dwelling and the erection of two semi-detached units¹. Applications were subsequently made under s73 of the Act for the removal of Condition 2 of that permission to allow for *inter alia* changes to the design and appearance of the dwellings approved². Permission was granted under NP/11/096 subject to conditions,

¹ Planning permission Ref NP/06/450 refers.

² Application Refs NP/10/400 and NP/11/096 refer.

with Condition 1 requiring the development permitted to be carried out, and thereafter retained, strictly in accordance with the deposited plans.

3. The appeal before me seeks the removal of Condition 1 of Planning Permission Ref NP/11/096 so as to allow further amendments to the approved design of the scheme, including a higher ridge line, projecting front gables which are predominantly glazed, two storey rear wings with areas of 'wrap-around' glazing and a pair of centrally located dormer windows in the front roof plane.

Main Issue

4. Against the background that I have described, the main issue is whether the condition should be removed to allow the proposed changes to the design of the dwellings having regard to its effect on the character and appearance of the area and on the living conditions of neighbours.

Reasons

Character and appearance

5. The surrounding area is characterised predominantly by residential development which varies in terms of its scale, massing, design and form. However, the properties either side of the appeal site to which the proposal would most closely relate are dormer bungalows of more modest scale, mass and proportions.
6. One of the main features of the amended design is the introduction of a two storey gabled projection to the front of each of the dwellings. These projections would have a vertical emphasis owing to their proportions and the large, elongated areas of glazing. A further consequence of the amended design and, in particular the front gable features that I have described, is that the dwellings would read as two storeys.
7. Although the ridge height of the proposed dwellings may not be materially greater than that approved, the cumulative effect of the height increase, the addition of the rear wings and the inclusion of the front gable projections would be to alter the scale of the dwellings significantly. When read in the context of the more modest dormer bungalows either side, the amended design would give the dwellings a more imposing and uncharacteristic appearance, at odds with the character of the neighbouring dwellings which form a large part of its setting.
8. To this end the proposal would have a harmful effect on the character and appearance of the surrounding area. It would thus conflict with Policies 8 and 15 of the adopted Pembrokeshire Coast National Park Local Development Plan (LDP) which seeks to ensure the character and identity of the towns and villages in the National Park are not lost through poor design and are protected against significant visual intrusion. It would also fail to meet the aspirations of LDP Policy 29 which requires development proposals to be well designed in terms of place and local distinctiveness and with Policy 30 which states that development should not be visually intrusive or of a scale incompatible with its surroundings.
9. I do not dispute that the approved dwellings incorporate a singular projecting front gable with large areas of glazing. However, its design, scale and massing is more sympathetic in terms of its relationship with the surrounding built form. It does not therefore justify what is an otherwise unacceptable form of development for the reasons that I have given.

Living conditions

10. The footprint of the dwellings would project beyond the rear elevations of the closest neighbouring properties either side of the site. The amended design would result in the addition of two storey rear wings. However given that they would be set off the common boundaries and would not extend a significant distance beyond the rear elevations and habitable room windows serving the neighbouring properties, I do not find that the development would result in a serious overbearing impact that would justify the refusal of planning permission. I also do not share the Authority's view that the overall height of the rear and first floor side facing windows could, in itself, give rise to an increased overbearing impact.
11. Be that as it may, I am concerned that the first floor windows which wrap around the corners of the rear wings would result in direct overlooking of the garden of the neighbouring dwelling known as Fairways from an unacceptably close distance. It would therefore have a harmful effect on the privacy that the occupants of that neighbouring property should reasonably expect to enjoy in their private rear garden. In this regard the proposal would conflict with LDP Policy 30 which states that development will not be permitted where it has an unacceptable impact on amenity.
12. Consequently, I find that the amended design put forward by the appellant would have a harmful effect on the character and appearance of the area and on the living conditions of neighbours such that it should not be permitted. Control by condition, requiring the development to be completed in accordance with the approved scheme, is therefore both reasonable and necessary, and meets the tests outlined in Welsh Government Circular 016/2014 '*The Use of Planning Conditions for Development Management*'.

Conclusion

13. For the reasons outlined above, and having regard to all matters raised, I conclude that the appeal should be dismissed and the disputed condition should remain.
14. I have considered the duty to improve the economic, social, environmental and cultural well-being of Wales, in accordance with the sustainable development principle, under section 3 of the Well-Being of Future Generations (Wales) Act 2015 ("the WBFG Act"). In reaching this decision, I have taken into account the ways of working set out at section 5 of the WBFG Act and I consider that this decision is in accordance with the sustainable development principle through its contribution towards one or more of the Welsh Ministers well-being objectives set out as required by section 8 of the WBFG Act.

Melissa Hall

INSPECTOR