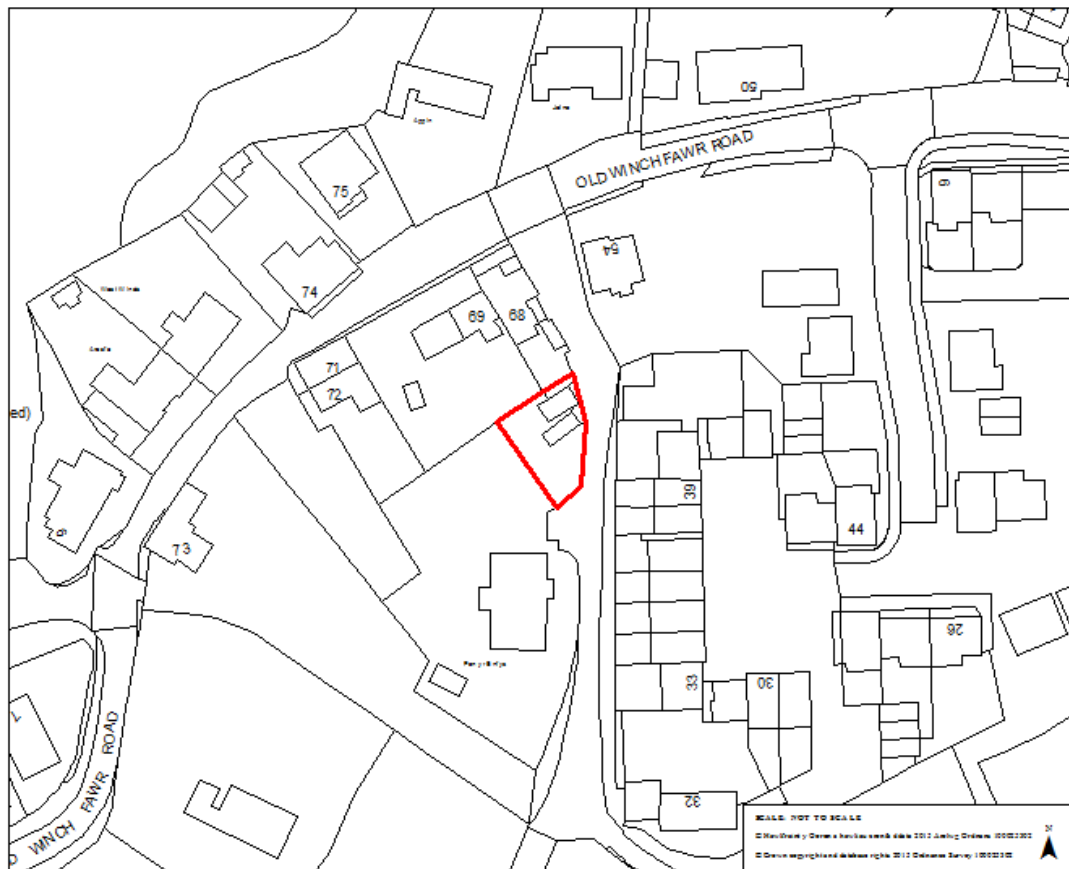


FOR INFORMATION – APPEAL DECISION

DATE WRITTEN	27 November 2015
REPORT AUTHOR	Judith Jones
CASE OFFICER	Marlene Ferreira
COMMITTEE	Planning and Regulatory
COMMITTEE DATE	9 December 2015

Application No. P/15/0091	Date 25.03.2015	Determining Authority MTCBC
Proposed Development	Location	Name & Address of Applicant/Agent
Erection of dwelling	Land Adjoining 68 And 69 Swansea Road Merthyr Tydfil	Mrs D Price c/o Philip Griffiths Architect 3 St Johns Close Cefn Coed Merthyr Tydfil CF48 2PE



TYPE OF APPEAL: AGAINST REFUSAL
APPEAL REFERENCE NO.: APP/U6925/A/15/3130952
DATE DECISION RECEIVED: 25 NOVEMBER 2015
DECISION: DISMISSED

ELLIS COOPER
CORPORATE DIRECTOR (PLACE AND TRANSFORMATION)

Penderfyniad ar yr Apêl

Appeal Decision

Ymweliad â safle a wnaed ar 22/10/15

Site visit made on 22/10/15

gan **Richard E. Jenkins BA (Hons) MSc MRTPI**

by **Richard E. Jenkins BA (Hons) MSc MRTPI**

Arolygydd a benodir gan Weinidogion Cymru

an Inspector appointed by the Welsh Ministers

Dyddiad: 25/11/2015

Date: 25/11/2015

Appeal Ref: APP/U6925/A/15/3130952

Site address: Land adjacent to 68 Old Winch Fawr Road, Clwydyfagwr, Swansea Road, Merthyr Tydfil, CF48 1HR

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 Delyth Price against the decision of Merthyr Tydfil County Borough Council.
- The application Ref P/15/0091, dated 24 March 2015, was refused by notice dated 6 May 2015.
- The development proposed is a dwelling house.

Decision

1. The appeal is dismissed.

Main Issues

2. These are the effect of the proposed development on: the character and appearance of the area; and the living conditions of neighbouring occupiers, with particular reference to outlook, privacy and levels of natural light.

Reasons

3. The appeal relates to a parcel of land located to the rear of Nos. 68 and 69 Old Winch Fawr Road. The site also shares a boundary with the adjacent residential property at Pen yr Enfys and is located within the settlement boundary, as defined by the adopted Merthyr Tydfil Local Development Plan (2006- 2021) (the LDP). At the time of my site visit, the site incorporated two dilapidated outbuildings and was largely overgrown and unkempt. The appeal proposal would demolish the existing buildings on site and replace them with a two storey residential dwelling, with off road parking for two vehicles.
4. The appeal site is located within a predominantly residential area that incorporates an eclectic mix of architectural detailing. As such, I do not consider that the proposed pattern of fenestration or the proposed use of materials would cause material harm to the character and appearance of the area. Nevertheless, the site is modest in size and the opportunities for its development are limited. Specifically, the appeal scheme would see the vast majority of the site occupied by either the footprint of the dwelling or the proposed car parking area, with only a modest area attributed to the provision

of private amenity space. Furthermore, the proposed dwelling would extend within close proximity to the shared boundaries with the neighbouring properties. This arrangement, coupled with the proposed two storey design, would result in a form of development that would appear cramped within its plot. Indeed, the contrived nature of the development would conflict with the generally spacious character of the other detached properties within the vicinity and would thereby cause material harm to the character and appearance of the area.

5. The siting of the proposed two storey dwelling within such close proximity to the shared boundary with Pen yr Enfys would also result in an inevitable increase in levels of overlooking of the private amenity areas associated with that property. Indeed, despite the large garden area and car parking arrangements at Pen yr Enfys, the levels of overlooking from the rear first floor windows of the proposed dwelling would be so significant so as to unacceptably impact upon the living conditions of the occupiers of the neighbouring property. I have fully considered the possibility of imposing a planning condition requiring such windows to be fitted with obscure glazing. However, the appellant objects to the imposition of such a condition and, in any event, given the scale of the windows in question and the nature of the rooms they would serve, I do not consider that obscure glazing would represent an appropriate design solution.
6. I recognise the fact that the Council has raised concerns relating to the loss of natural light at neighbouring properties. However, by virtue of the siting of the proposed dwelling north of Pen yr Enfys, any loss of light at this property would be minimal. Moreover, whilst I accept that there would be some loss of light at Nos. 68 and 69, the submitted site plan demonstrating the impacts of overshadowing serves to reinforce my view that any such loss of light would only affect discrete elements of the rear garden areas at any given time and would not, therefore, cause material harm to the living conditions of the occupiers of those properties. Likewise, whilst the Council considers that the development would have a significant overbearing impact on the occupiers of No.69, I am satisfied that a sufficient distance would be retained to prevent any significant harm in this respect.
7. Nevertheless, despite the favourable conclusions in respect of outlook and overshadowing, I consider the adverse consequences of the scheme to amount to compelling reasons why planning permission should not be granted. Indeed, the concerns relating to the effect on the character and appearance of the area and the loss of privacy at Pen yr Enfys are not outweighed by the considerations in favour of the proposal. I note the appellant's reference to various guidance documents which are considered to support the development. However, many of these documents, including Local Planning Guidance Note 21: *Space*, PPS7 and the Essex Design Guide, do not apply to the area covered by Merthyr Tydfil County Borough Council and do not, therefore, weigh heavily in favour of the proposal.
8. For these reasons I conclude that the proposed development would, by virtue of its scale, siting and design, cause material harm to both the character and appearance of the area and the living conditions of the occupiers of Pen yr Enfys, with particular reference to loss of privacy. Accordingly, the proposed development would be in conflict with Policy BW7 of the adopted LDP which, amongst other things, seeks to support good quality sustainable design by requiring new developments to be appropriate to the local context, enhance the general street scene and create good quality townscape, and not result in unacceptable impacts on local amenity in terms of visual impact and loss of privacy. For the same reasons, I also find that the

development would be in conflict with paragraph 9.3.3 of Planning Policy Wales, Edition 7 (2014).

9. Therefore, having considered all matters raised, I conclude that the appeal should be dismissed.

Richard E. Jenkins

INSPECTOR