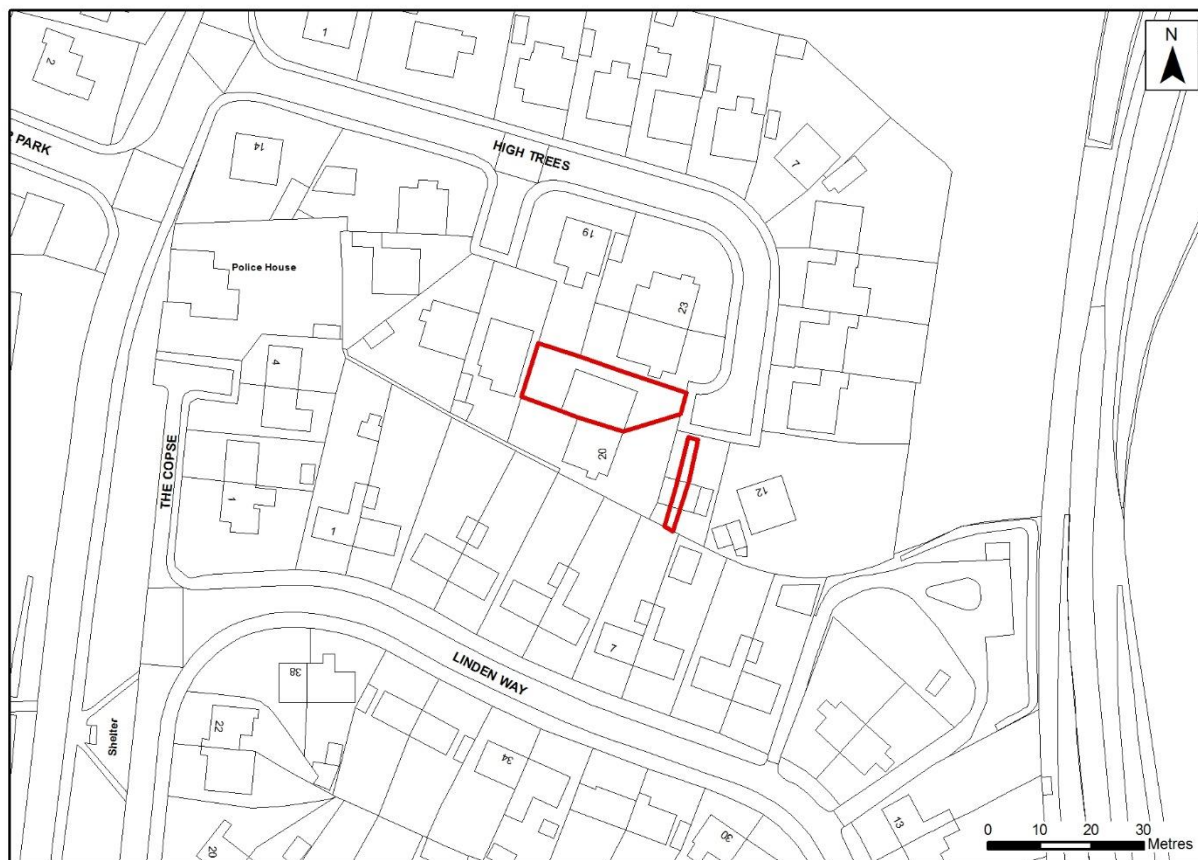


FOR INFORMATION – APPEAL DECISION

DATE WRITTEN	2 nd November 2020
REPORT AUTHOR	Judith Jones
CASE OFFICER	Rebecca Owens
COMMITTEE	Planning and Regulatory
COMMITTEE DATE	18 th November 2020

Application No. P/19/0249	Date 12.09.2019	Determining Authority MTCBC
Proposed Development	Location	Name & Address of Applicant/Agent
Retention of decking to front garden	21 High Trees Trefechan Merthyr Tydfil CF48 2LE	Mrs C Morris C/o Agent Mr A Collins 21 Park Place Pontmorlais Merthyr Tydfil CF47 0DJ



P/19/0249

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TYPE OF APPEAL:	AGAINST REFUSAL
APPEAL REFERENCE NO.:	APP/U6925/D/20/3244800
DATE DECISION RECEIVED:	6 th MARCH 2020
DECISION:	DISMISSED



Penderfyniad ar yr Apêl

Ymweliad â safle a wnaed ar 04/02/20

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

Arolygydd a benodir gan Weinidogion Cymru
Dyddiad: 06.03.2020

Appeal Decision

Site visit made on 04/02/20

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

an Inspector appointed by the Welsh Ministers
Date: 06.03.2020

Appeal Ref: APP/U6925/D/20/3244800

Site address: 21 High Trees, Trefechan, Merthyr Tydfil, CF48 2LE

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 Christine Morris against the decision of Merthyr Tydfil County Borough Council.
 - The application Ref: P/19/0249, dated 27 August 2019, was refused by notice dated 7 November 2019.
 - The development is retrospective planning permission for decking to front garden.
-

Decision

1. The appeal is dismissed.

Procedural Matter

2. During the processing of the appeal, Merthyr Tydfil County Borough Council (MTCBC) adopted its Replacement Local Development Plan 2016- 2031 (Replacement LDP) (Adopted January 2020). That document supersedes the former MTCBC LDP as the adopted development plan for the area and the Council has confirmed that Policy SW11 is material to the appeal proposal, effectively superseding Policy BW7 referred within its Notice of Decision. As all parties have been provided with an opportunity to update their written submissions in light of the policy changes, I am satisfied that there is no prejudice in this respect.

Main Issues

3. These are the effect of the proposed development upon: the character and appearance of the area; and the living conditions of the occupiers of neighbouring residential properties, with particular reference to privacy at No.20 High Trees.

Reasons

4. The appeal relates to a traditional semi-detached bungalow located within a residential area of Trefechan, Merthyr Tydfil. The property is set back from, and at a higher ground level, than the public highway along High Trees. The appeal proposal seeks retrospective planning permission, under Section 73A(2)(a) of the Act, for the retention of a significant decked area that has been erected to the front elevation of the property, along with a glass balustrade and associated works.
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5. It was clear at the time of my site inspection that, without the decked area, the front garden of the appeal property would incorporate a tiered profile. The decked area therefore provides a level area of amenity space for the occupiers of the appeal property to enjoy. Nevertheless, by virtue of its scale, siting, and elevated positioning, I consider the development to appear as an overly dominant and incongruous structure that injuriously alters the character and appearance of the host property, the pair of semi-detached properties and surrounding area. The development therefore runs counter to the aims of Policy SW11 of the Replacement LDP which, amongst other things, seeks to ensure that developments contribute to the creation of attractive and sustainable places through high quality design.
6. The appellant disputes the Local Planning Authority's (LPA) contention that the development materially reduces levels of privacy at adjacent properties. Nevertheless, there is little doubt that the elevated positioning of the decking increases opportunities for overlooking No.20 High Trees, with viewpoints over the feather edge fence that forms the shared boundary with that dwelling. Specifically, the structure enables clear views of the front garden area at No.20, whilst also enabling views back towards the front windows of that property. It is for this reason that I consider the proposal to cause material harm to the living conditions of the occupiers of No.20, by reason of reduced privacy. The development therefore conflicts with criterion 3 of Policy SW11 which states that development should not, amongst other things, result in unacceptable impacts upon local amenity or privacy.
7. I have considered all matters raised, including the use of materials and the quality of workmanship. However, such factors do not outweigh the aforementioned concerns and I remain unconvinced that such harm could be satisfactorily mitigated through the use of planning conditions. Indeed, a privacy screen erected to protect the living conditions of neighbouring occupiers would exacerbate the overall visual impact of the development and would not, therefore, represent a suitable design solution.
8. Based on the foregoing analysis, and having considered all matters raised, I conclude that the appeal should be dismissed. In coming to this conclusion, 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 (WBFG Act). I have taken into account the ways of working set out at section 5 of the WBFG Act and 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, as required by section 8 of the WBFG Act.

Richard E. Jenkins

INSPECTOR