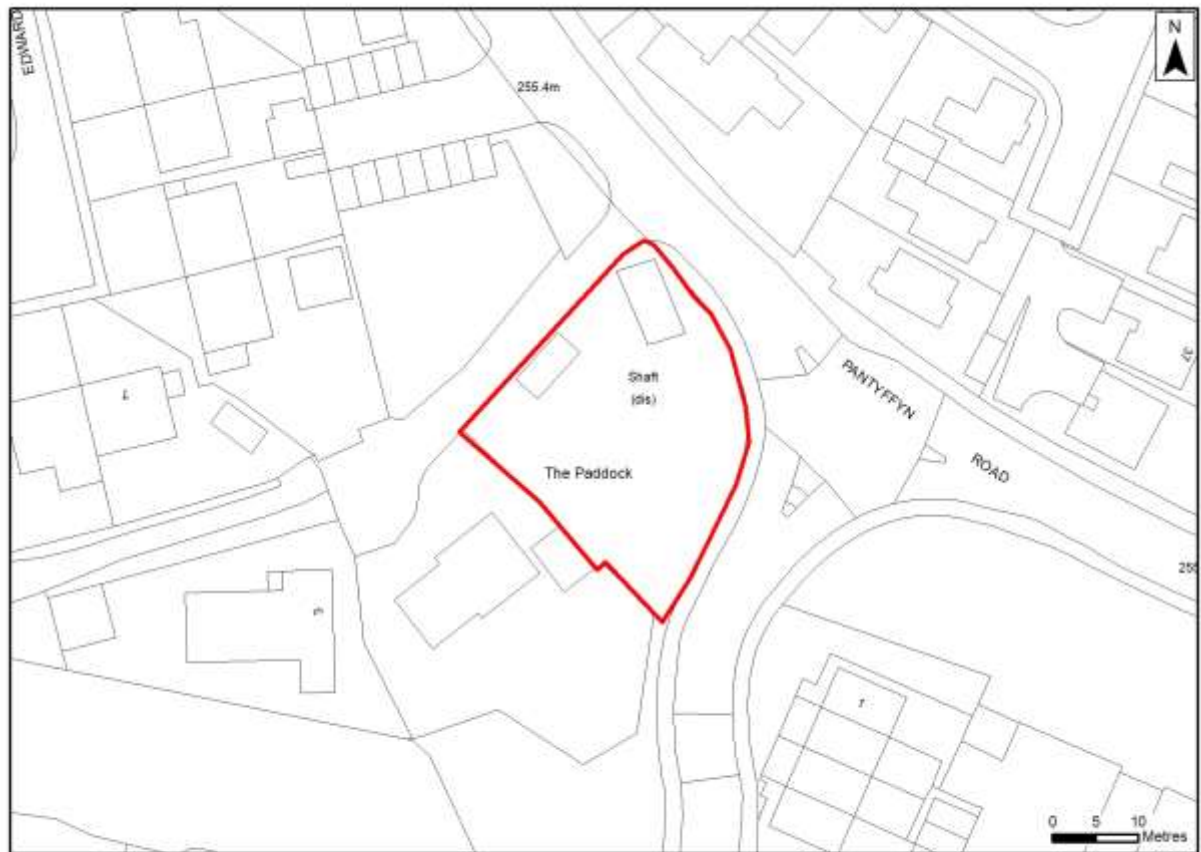


FOR INFORMATION – APPEAL DECISION

DATE WRITTEN	12 th April 2023
REPORT AUTHOR	Judith Jones
CASE OFFICER	Rebecca Owens
COMMITTEE	Planning and Regulatory
COMMITTEE DATE	26 th April 2023

Application No. P/21/0378	Date 27.10.2021	Determining Authority MTCBC
Proposed Development	Location	Name & Address of Applicant/Agent
Erection of 2m high timber fence	Plot 1 The Paddock Penyard Merthyr Tydfil	Mr Daniel Snape 2 The Paddock Penyard Merthyr Tydfil CF47 0NQ



P/21/0378

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TYPE OF APPEAL:	AGAINST REFUSAL
APPEAL REFERENCE NO.:	CAS-01985-D5N5V6
DATE DECISION RECEIVED:	23.02.2023
DECISION:	DISMISSED



Appeal Decision

by Clive Sproule BSc MSc MSc MRTPI MEnvSci CEnv

an Inspector appointed by the Welsh Ministers

Decision date: 23/02/2023

Appeal reference: CAS-01985-D5N5V6

Site address: Plot 1, The Paddock, Penyard, Merthyr Tydfil CF47 0NQ

- 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 Daniel Snape against the decision of Merthyr Tydfil County Borough Council.
 - The application Ref P/21/0378, dated 07/10/2021, was refused by notice dated 07/12/2021.
 - The development proposed is the erection of a 2m high timber fence.
 - A site visit was made on 29/11/2022.
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Decision

1. The appeal is dismissed.

Main Issue

2. This is the effect of the proposed development on the character and appearance of the locality.

Reasons

3. The appeal site lies between the junction of Pantyffyn Road and The Paddock, and the adjacent mini roundabout junction of Pantyffyn Road and Blaenau'r Cwm. Pantyffyn Road carries traffic and pedestrians from the residential streets and schools around it to the A4102 and A4060.
4. The appeal scheme would construct a 2m high fence 1m from the footway. Appeal documentation notes the intended design to be identical to the fences on the opposite side of the street. However, these fences, while tall, are between sections of walling. Also, they are located along the inside of a gentle curve in the road, whereas the appeal site is on the outside of that bend and the curve around the mini roundabout. This, along with the road layout and the site's position between two junctions, causes the appeal site to be prominent in the street scene.
5. On this section of Pantyffyn Road opposite to the appeal site, the existing tall enclosures create a hard frontage that the residential development in Dan-Y-Parc View sits behind. On the side and section of Pantyffyn Road that includes the appeal site, development

also sits behind boundary enclosures, but these are lower and less consistent in height in comparison to those on the opposite side of the road.

6. The Council's Officer report on the appeal proposal confirms that planning permission was granted for a 2m high frontage wall on Plot 1, but it was approved for a smaller site within the plot, and the wall would have been set back significantly from Pantyffyn Road. Consequently, it has not been shown that the approved scheme is comparable to the current proposal.
7. A tall wooden fence has been constructed around part of Plot 1. In contrast to the existing fence, the positioning of the proposed enclosure would create more space between it and the highway. To a limited degree, this would reduce the visual impact of the appeal proposal on pedestrians using the footway next to it. However, the proposed positioning would do little to diminish the perceived scale of the structure in views along Pantyffyn Road, and especially those on the approach to the roundabout from the southeast. Nor would a condition requiring the fence to be finished in a particular colour be likely to significantly reduce the impact of its appearance.
8. I find that through its scale, design and location, the proposed fence would be a strident and constricting feature in the street scene that would be unacceptably harmful to the character and appearance of the locality; and especially in the area of the roundabout junction with Blaenau'r Cwm. This conflicts with Policy SW11 of the Council's Replacement Local Development Plan, which requires development proposals to be, amongst other things, appropriate to its local context through its scale, height, materials and form.

Conclusion

9. All matters raised in this case have been taken into account and none, including the scope of possible planning conditions, have been found to outweigh the identified harm and conflict with development plan policy. Accordingly, the appeal should be dismissed.
10. In reaching my decision, I have taken into account the requirements of sections 3 and 5 of the Well-Being of Future Generations (Wales) Act 2015. I consider that this decision is in accordance with the Act's sustainable development principle through its contribution towards the Welsh Ministers' well-being objective of making our cities, towns and villages even better places in which to live and work.

Clive Sproule

INSPECTOR