



Penderfyniad ar yr Apêl

Ymweliad â safle a wnaed ar 9.11.2021

gan **Alwyn B Nixon BSc (Hons) MRTPI**

Arolygydd a benodir gan Weinidogion Cymru

Dyddiad: 06/01/2022

Appeal Decision

Site visit made on 9.11.2021

by **Alwyn B Nixon BSc (Hons) MRTPI**

an Inspector appointed by the Welsh Ministers

Date: 06/01/2022

Appeal Ref: APP/X6910/A/21/3281080

Site address: Land adjoining Waun Dew, Beaufort Hill, Beaufort, Ebbw Vale, NP23 5QW

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 Gareth Silcox against the decision of Blaenau Gwent County Borough Council.
 - The development proposed is construction of 2 no. houses with associated external works.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - The effect of the development on protected trees within the site
 - The effect of the development on the character and appearance of the area
 - The development's effect on neighbouring properties in terms of visual impact and overlooking.

Reasons

Effect on protected trees

3. The appeal site is a plot on the corner of Waun Dew and Beaufort Hill. It evidently was occupied in former years by small cottages, the remains of which are still present. The site now possesses a variety of mature trees and shrubs, principally along its frontages with Waun Dew and Beaufort Hill. Five specimens are protected by a Tree Preservation Order. The trees on the site make a significant contribution to the street scene and to the character and visual amenity of the locality.
 4. The proposal is to erect two five-bedroom detached dwellings on the site. One of the protected trees, a mature beech tree, would be felled to accommodate the footprint of the more northerly of the two proposed dwellings. In addition, the construction of this dwelling and its associated access, driveway and parking and turning area would involve construction works within much of the root and canopy spread areas of a protected mature sycamore (annotated as a cypress on some drawings). Notwithstanding the use of
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construction methods aimed at reducing the effect of development on the tree's viability, I consider that the extent to which the tree's root system would be compromised would seriously threaten its well-being and be highly likely to lead to its premature demise. Moreover, this tree's canopy would be extremely close to the dwelling's front elevation, such that I consider that pressure from future occupiers to remove it, or undertake major works to reduce its presence, would be almost inevitable.

5. The construction works to erect the dwelling on plot 2 and its associated access, driveway and parking/turning area would also involve significant construction works within the root spread areas of protected trees on the site. In addition, the design and orientation of this dwelling is such that on-going pressure from future occupiers to carry out works to the protected trees would again be likely.
6. In the light of the above I consider that the development would have seriously harmful consequences for the protected trees on the site. The resulting loss in the amenity value of protected trees would have a harmful effect on local biodiversity and the character of the locality, and accordingly the proposal conflicts with policy DM16 of the adopted Blaenau Gwent Local Development Plan (LDP).

Character and appearance

7. The site lies within a built-up area characterised by dwellings of a variety of styles and sizes. Whilst the development would present a gable end towards the Beaufort Hill road frontage, this is a corner plot with two road frontages; the main elevations of the two dwellings would face the minor cul-de-sac of Waun Dew, I do not regard this arrangement as inherently harmful to the character and appearance of the locality. Although the southern gable of the dwelling on plot 2 would project further forward towards the Beaufort Hill road frontage than the building line of the adjacent dwellings to the east, the dwellings on the western side of the entrance to Waun Dew are positioned close to the road frontage. The southern gable of the plot 2 dwelling would thus occupy an intermediate position between the respective building lines either side; moreover the retained hedgerow vegetation on the Beaufort Hill frontage would soften the development's presence in the street scene.
8. Site levels fall from east to west, such that the introduction of a lower ground floor level to the west-facing elevation of the dwellings can be achieved by setting the dwellings into the slope and maintaining appropriate ridge heights relative to surrounding development. The positioning and orientation of the dwellings, coupled with the presence of boundary screening, is such that I do not regard their external appearance as harmful to the character and appearance of the area.
9. Notwithstanding these considerations, however, in the light of my earlier conclusions concerning the harm that would be caused to the protected trees on the site, which make a significant contribution to the locality's amenity and character, I conclude that the proposed development would result in harm to the character and appearance of the area, contrary to LDP policies DM1 2b and DM2 b.

Neighbouring living conditions

10. The two dwellings would feature extensive areas of full-height fenestration to living areas in both the front and rear elevations. I consider that there would be an unacceptable degree of overlooking of the adjacent dwelling and its curtilage located to the east, to the detriment of the living conditions of its occupants. I consider that properties to the north and west of the site would retain adequate levels of privacy and would not be unacceptably dominated by the proposed development, due to factors such as the relative orientations of the dwellings concerned, distance and/or the level of intervening screening

which could be retained. However, this does not alter my conclusion in relation to the adjacent dwelling to the east.

11. I conclude on this issue that the proposed development would unacceptably harm the living conditions of occupiers of the dwelling to the east of the site by way of overlooking and that the development therefore would fail to accord with LDP policy DM1 2c.

Other Matters

12. In reaching my decision I have considered all other matters raised. I recognise that the site has outline permission for the erection of a single dwelling. However, this proposal for two dwellings would involve a substantially greater amount of development and give rise to the unacceptable adverse effects I have identified. I consider that the harmful effects I have identified could not be alleviated by the imposition of conditions. I find nothing sufficient to outweigh the considerations which have led me to conclude that planning permission should be withheld.

Conclusion

13. Overall, I conclude that the proposed development would have harmful consequences for the protected trees on the site, which would unacceptably detract from local biodiversity and the visual amenity, character and appearance of the locality. The development would also result in unacceptable overlooking of the dwelling on the eastern side of the site. These matters render the proposal contrary to the adopted development plan. There are no matters sufficient to indicate a determination other than in accordance with the development plan.
14. 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, given the proposal's failure to contribute adequately towards the Welsh Ministers' well-being objectives concerning making our cities, towns and villages even better places in which to live and work and embedding our response to the climate and nature emergency in everything we do.
15. For the reasons given, and having taken account of all matters raised, I dismiss the appeal.

Alwyn B Nixon

Inspector