



Penderfyniad ar yr Apêl

Ymweliad â safle a wnaed ar 28/07/20

gan H C Davies BA (Hons) Dip UP
MRTPI

Arolygydd a benodir gan Weinidogion Cymru

Dyddiad: 08.09.2020

Appeal Decision

Site visit made on 28/07/20

by H C Davies BA (Hons) Dip UP MRTPI

an Inspector appointed by the Welsh Ministers

Date: 08.09.2020

Appeal Ref: APP/X6910/A/20/3252612

Site address: 39 Beaufort Hill, Beaufort, Ebbw Vale NP23 5QN

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 Hayward against the decision of Blaenau Gwent County Borough Council.
 - The application Ref C/2020/0036, dated 9 December 2019, was refused by notice dated 18 March 2020.
 - The development proposed is construction of new detached house in curtilage of existing dwelling house with associated parking and external works.
-

Decision

1. The appeal is allowed and planning permission is granted for the construction of a new detached house in curtilage of existing dwelling house with associated parking and external works at 39 Beaufort Hill, Beaufort, Ebbw Vale NP23 5QN in accordance with the terms of the application, Ref C/2020/0036, dated 9 December 2019, subject to the conditions set out in the attached schedule.

Main Issues

2. The main issues are the effect of the proposed development on:
 - i) the character and appearance of the area,
 - ii) the living conditions of the occupiers of neighbouring properties, with particular regard to outlook, and,
 - iii) highway and pedestrian safety.

Reasons

3. The appeal site encompasses the whole of No.39 Beaufort Hill, which has a two-storey dwelling occupying a large backland plot just north of the Funeral Directors premises. The site is located within a predominantly residential area with a dense housing pattern, characterised by closely grouped two-storey detached or semi-detached properties. Although there is a more spacious single storey bungalow to the rear of the property, in general the surrounding area has a built-up character and appearance. The appeal site would be accessed from a road which serves a number of
-

domestic garages as well as formal and informal parking spaces associated with properties along Beaufort Hill and Chandlers Road.

Character and Appearance

4. The front elevation of the proposed dwelling would occupy the same building line as the existing dwelling, albeit at a slight angle, which takes into account the existing outbuilding associated with the adjacent Funeral Directors. The scale and massing of the proposed dwelling would be comparable to that of the existing dwelling and it would also have a similar depth. As such the siting of the proposed dwelling would be integrated comfortably with the existing form and layout of surrounding development. Whilst it would occupy a significant proportion of the residential curtilage of No.39, the plot / build ratio would be proportionate to the surroundings, and the loss of openness would not be unduly harmful. As the Council recognises, the appeal site dimensions are sufficient to accommodate the proposed dwelling whilst allowing for adequate amenity space and parking provision. The proposal would therefore not appear cramped or over intensive in relation to the surrounding built context.
5. I conclude that the development would not harm the character and appearance of the area. It would therefore be compliant with Policies DM1 and DM2 of the Adopted Blaenau Gwent Local Development Plan (LDP) which, amongst other things, seek to ensure that development proposals are appropriate to the local context in terms of type, form, scale and mix; and are of a good design which reinforces local character and distinctiveness of the area.

Living Conditions

6. The development would change the outlook from the properties on North Street and I understand the concerns of the occupants of Cae Melyn regarding the potential effect on the use of their bungalow. Nevertheless, given the separation distance between the proposed dwelling and Cae Melyn and in the context of the built-up area, I am not persuaded that the proposal would be unduly intrusive or appear overbearing from these dwellings or their gardens.
7. The proposed dwelling would be in close proximity to the conservatory and ground floor kitchen/dining window on the side elevation of No.39, with a proposed boundary fence in particular proximity. However, the kitchen/dining room forms part of a wider living space which has an alternative aspect towards the rear of the property. Moreover, notwithstanding the appellant's suggestion to remove the conservatory, the outlook from the conservatory would not be solely towards the proposed dwelling and the fence, there remains an outlook, southwards, towards the front garden. As such, I do not consider that the proposed development would have an overbearing visual impact on the occupiers of No.39.
8. I accept that there may be some shading of the conservatory later in the day but having regard to the extent of glazing in the rear and front elevations of the conservatory, I would not regard the effects to be so serious as to warrant withholding planning permission for that reason. Whilst the Council refers to boundary treatments along the frontage, the plans do not show any such provision. Moreover, given the limited width between the proposed dwelling and the boundary, this space will probably not be utilised as a private amenity space, hence the requirement for a means of enclosure is unlikely.
9. I conclude that there would not be any material harm to the living conditions of the occupiers of neighbouring properties. The proposal would therefore accord with the amenity objectives of Policy DM1 of the LDP.

Highway Safety

10. The development proposes a shared access arrangement off the rear access lane which serves a number of garages and informal parking spaces. Although the access lane is of restricted width and alignment, traffic flows along the road are light as it serves a limited number of properties. Furthermore, due to its geometry, traffic speeds would be slow. Should two vehicles meet at various points along this road it will be necessary for one of them to reverse, but there are a number of informal passing places either side of the road, so that one car could pull-in allowing the other to pass. These informal passing places also allow pedestrians to seek refuge from oncoming vehicles. It is recognised that No.39 uses the lane as a primary means of access, and, I consider the proposed development of a further dwelling would result in only a modest increase in overall traffic movements.
11. Visibility at the junction with Beaufort Hill is restricted, however as most journeys by additional residents would be unlikely to use this junction, I am not persuaded that the increased risk of an accident occurring would be anything other than limited. Visibility at the junction with Chandlers Road is somewhat restricted to the left by on-street parking. However, Chandlers Road is essentially straight and average speeds are low given that motorists travelling along this section reduce their speed when approaching the Beaufort Hill Junction. As such, collisions between emerging vehicles and those travelling along Chandlers Road are unlikely.
12. Notwithstanding the concerns of local residents regarding matters relating to highway safety, I have not been provided with any compelling or substantive evidence to underpin such concerns. On the basis of my observations of the site and the surrounding area, and having regard to the low vehicle speeds, I consider the proposed development of a further dwelling at this location would not cause significant harm to the safety of drivers or pedestrians. The proposal therefore complies with Policy DM1 of the LDP, which seeks to ensure development would not have an adverse impact on highway safety.

Conditions

13. I have considered the suggested planning conditions and, having had regard to the advice in Welsh Government Circular 16/2014: The Use of Planning Conditions for Development Management (October 2014), have adjusted their wording in the interest of clarity and precision. I have attached conditions relating to land stability and contamination as the appeal site is within a defined medium risk area identified by the Coal Authority as having coal mining features and hazards, specifically coal seam outcrops at or close to the surface of the site which may have been worked in the past. Condition No.7 is necessary to confirm existing and proposed ground and slab levels to ensure the development reflects the character and appearance of the area. Condition No.8 is required to ensure that a satisfactory scheme of drainage is implemented and that no adverse impact occurs to the environment or the existing public sewerage system. Condition No.9 is necessary to minimise the environmental impacts for local residents during demolition and construction works. I have imposed Condition No.10 for samples of materials to be submitted to ensure that they would maintain the character and appearance of the area. Condition Nos.11 and 12 are justified in the interest of safeguarding residential amenity and the living conditions of the occupiers of neighbouring residential properties. Condition No.13 is required to ensure adequate parking provision.

Conclusions

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 through its contribution towards the Welsh Ministers' well-being objective of supporting safe, cohesive and resilient communities.
15. For the reasons given above, I conclude that the appeal should be allowed.

H C Davies

Inspector

Schedule of Conditions

1. The development shall begin not later than five years from the date of this decision.
Reason: To comply with the requirements of Section 91 of The Town and Country Planning Act 1990.
2. The development shall be completed in full accordance with the following approved plans: - Site & Property as Existing, Drg No. 19-104/P/01 Rev A, stamped received 04/02/2020 - Plans of Proposed House, Drg No. 19-104/P/02, stamped received 09/12/2019 - Elevations of Proposed House, Drg. No 19-104/P/03, stamped received 09/12/2019 - Proposed Site Plan, Drg No. 19-104/P/04 Rev A, stamped received 04/02/2020 - Proposed Site Plan, Drg No. 19-104/P/05, stamped received 04/02/2020 Unless otherwise specified or required by conditions listed below.
Reason: To define the scope of the permission.
3. No development shall take place until an assessment of the stability of the land has been carried out in accordance with a methodology which has previously been submitted to and approved in writing by the Local Planning Authority. The results of the assessment shall be made available to the Local Planning Authority before any development begins. If any land instability issues are identified during the site investigation, a report specifying the measures to be taken to remediate the site to render it suitable for the development hereby permitted shall be submitted to and approved in writing by the Local Planning Authority. The development shall not be brought into use until all the measures identified as necessary in any reports are implemented and the Local Planning Authority is provided with a validation report, signed by a suitably qualified person that confirms that such measures and/or works have been fully implemented.
Reason: The site may be affected by land instability and this should be addressed prior to development. (Policy DM1 of the LDP)
4. If during the course of development, any unexpected land instability issues are found which were not identified in the site investigation referred to in condition 3, additional measures for their remediation in the form of a remediation scheme shall be submitted to and approved in writing by the Local Planning Authority. The remediation of the site shall incorporate the approved additional measures which shall be retained (for the period agreed in the remediation scheme/in perpetuity).
Reason: To ensure that any unexpected land stability issues are adequately dealt with and that ground stability issues are appropriately addressed. (Policy DM1 of the LDP)

5. No development shall commence until an assessment of the nature and extent of any site contamination is undertaken in accordance with a methodology which must first be submitted to and approved in writing by the Local Planning Authority. Such an assessment shall include details of:
- a) the nature, extent and type of any contamination and their impacts on land and controlled waters, and details of all potential source, pathway and receptor linkages;
 - b) in instances where a desk top assessment has demonstrated it to be necessary, the results of an intrusive site investigation report; and
 - c) any measures identified as necessary to treat/remove the contamination to ensure the site is fit for the proposed use. The development hereby approved shall not be brought into use until all the measures identified as necessary to decontaminate the site, as contained in a report that is approved in writing by the Local Planning Authority, are implemented and the Authority is provided with a validation report signed by a suitably qualified person that confirms that such measures and/or works have been fully implemented.

Reason: The site may be affected by contamination and considers it appropriate to assess the significance of such contamination before development can proceed. (Policy DM1 of the LDP)

6. If, during the course of development, any contamination is found which has not been identified in the site investigation required by condition 5 additional measures for the remediation of this source of contamination in the form of a remediation scheme shall be submitted to and approved in writing by the Local Planning Authority. The remediation of the site shall incorporate all approved additional measures and shall be completed before the development hereby approved is brought into beneficial use.

Reason: To ensure that any unexpected contamination issues are adequately addressed and that suitable mitigation measures are implemented. (Policy DM1 of the LDP)

7. No development shall commence on site until details are submitted to and approved in writing by the Local Planning Authority of the proposed floor levels of the dwelling in relation to existing site levels and proposed finished site levels. All works shall be implemented in full accordance with such details as may be approved before the approved building is occupied.

Reason: To ensure that the development does not prejudice the visual amenities of the area. (Policy DM1 of the LDP)

8. No development shall commence on site until details are submitted to and approved in writing by the Local Planning Authority of a scheme for the comprehensive and integrated drainage of the site showing how foul water will be dealt with. The dwelling hereby approved shall not be occupied until all drainage works relating to that property and its connection to the wider drainage network are completed in accordance with the approved details.

Reason: To ensure that effective drainage facilities are provided for the proposed development and that no adverse impact occurs to the environment or the existing public sewerage system. (Policy DM1 of the LDP)

9. No development shall commence on site (including any works of demolition), until a Demolition and Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority. The Statement shall include details of:
- hours of working; the parking of vehicles of site operatives and visitors;
 - storage of plant and materials used during demolition and construction;
 - Measures to control the emissions of dust and dirt during demolition and construction;
 - details of the proposed demolition methods and scheme for the recycling/disposing of waste resulting from demolition and construction works;

Such details and measures as contained in a Method Statement approved by the Local Planning Authority shall be adhered to throughout the demolition and construction period.

Reason: To safeguard local amenity interests and to ensure that the impacts of the demolition and construction phase of the development are adequately addressed. (Policy DM1 of the LDP)

10. The development shall not progress beyond laying of the slab until details/samples of the finishes of the dwelling have been submitted to and approved in writing by the Local Planning Authority. The dwelling shall be erected and completed in accordance with the approved details before it is occupied.

Reason: To safeguard visual amenity interests. (Policy DM2 of the LDP)

11. Before the dwelling hereby approved is occupied the windows marked 'X' on the 'Elevations of Proposed House, Drg. No 19-104/P/03, stamped received 09/12/2019' (bathroom and wardrobe windows) shall be fitted with obscure glazing. These windows shall be permanently retained thereafter with obscure glazing.

Reason: To safeguard the privacy and amenities of occupiers of nearby properties. (Policy DM1 of the LDP)

12. The development shall not progress beyond laying of the slab until a plan indicating the position, design and materials of the boundary treatment marked x-y on the approved drawing ' Proposed Site Plan, Drg No. 19-104/P/05, stamped received 04/02/2020' (front boundary between the Plot and Funeral Home) has been submitted to and approved in writing by the Local Planning Authority. Such approved boundary treatments and all other boundary treatments as indicated on the approved plans shall be provided before the dwelling is occupied and shall be retained as such at all times.

Reason: To protect residential amenity interests and to safeguard the visual and landscape amenities of the area. (Policy DM1 of the LDP)

13. The dwelling hereby approved shall not be occupied until the access, driveway and parking areas relating to that dwelling and No.39 Beaufort Hill are constructed as indicated on the approved plans. The areas provided for both dwellings shall be retained for their designated purposes at all times.

Reason: To ensure the parking needs of the development are adequately met and to safeguard highway interests. (Policy DM1 of the LDP)