



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: 14th October 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: 14th October 2020

Appeal Ref: APP/X6910/A/20/3252106

Site address: 3 Glandwr Street, Abertillery, Blaenau Gwent, NP13 1TY

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 Brett Brimble against the decision of Blaenau Gwent County Borough Council.
- The application Ref: C/2019/0219 dated 8 August 2019, was refused by notice dated 26 September 2019.
- The development proposed is described as 'proposed conversion, extension and change of use from existing domestic garage and workshop (related to No.3 Glandwr Street) to new dormer dwelling. Additional car parking spaces to be housed in already approved garage to rear of Glandwr Street.

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effects of the proposal on: the risk of flooding, with particular regard to national planning policy; the character and appearance of the area; and highway safety.

Reasons

Flood Risk

3. Planning Policy Wales, Edition 10 (PPW), states that "Flooding as a hazard involves the consideration of the potential consequences of flooding, as well as the likelihood of an event occurring. Planning authorities should adopt a precautionary approach of positive avoidance of development in areas of flooding from the sea or from rivers" (paragraph 6.6.22). Paragraph 6.6.25 further says that "Development should reduce, and must not increase, flood risk arising from river and/or coastal flooding on and off the development site itself."
 4. The appeal site lies close to the River Ebbw Fach with a stone wall bordering the boundary. It falls largely within Zone C1 and partially within Zone C2 as defined on the Development Advice Maps that accompany the Welsh Government's Technical Advice Note 15 "Development and Flood Risk" (TAN 15). Zone C2 is described as areas of the floodplain without significant flood defence infrastructure. The part of the appeal site within Zone C2 includes a strip of land adjacent to the river and the wall,
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which would be partly occupied by the proposed conservatory. TAN 15 categorises all residential uses as highly vulnerable development, and Paragraph 6.2 identifies that new development should be directed away from Zone C and that highly vulnerable development should not be permitted in Zone C2. The proposal would therefore conflict with national policy.

5. Notwithstanding the above, a Flood Consequences Assessment (FCA) has been submitted. The proposed finished floor levels and mitigation measures are supported by Natural Resources Wales (NRW). However, in terms of national policy it remains that proposals in Zone C must meet the justification criteria of TAN 15. In this case, it has not been demonstrated that these tests would be met. Moreover, the proposed conservatory would be adjacent to a section of the wall. In the absence of information in the FCA to establish whether the wall is functioning as a flood risk management asset and whether it needs to remain accessible for inspection and maintenance, NRW have significant concerns. I note that an easement would potentially enable access to the wall and/or the conservatory could be removed from the scheme. However, amendments to a scheme are not permitted at appeal, and the details required by NRW to assess the requirement for an easement have not been provided. In any event, national policy does not allow a risk assessment to justify highly vulnerable development in Zone C2. The FCA therefore does not outweigh the strong presumption against residential development on land in Zone C2 and the positive avoidance of development in such areas.
6. I conclude that the proposal would result in a risk of flooding contrary to national planning policy and Policy SP7 of the LDP, which states that new development should be directed away from those areas which are at high risk of flooding.

Character and Appearance

7. The appeal site consists of a detached garage, occupying a prominent position at the end of a terrace of dwellings on the southern flank of Glandwr Street. The surrounding area has a reasonably dense residential character comprised of linear terraced dwellings sited close to the street frontage. There have been some alterations over time, however the continuity of the roofscape, and the uniform pattern and appearance of the terraces remains largely intact. The appeal garage occupies a prominent stand-alone position in a relatively open aspect and is detached from the adjacent terrace by a service lane. It has a modest appearance, being of simple proportionate form and a single storey massing. Whilst it is clearly a contrasting building in terms of age and style, it nevertheless forms a visually subservient feature that does not unduly influence the context that I have described.
8. The proposed rendered finish would be an acceptable elevational treatment and a condition could be imposed to control other external finishes. However, the proposed dormers would fundamentally alter the appearance and scale of the appeal site. In particular, and notwithstanding their generally subordinate nature within the roof slope, the dormers would be untypical features of the local context and would result in a dwelling clearly at odds with the traditional style and age of the nearby terraces. Other dormers in the area are in the minority and I saw none that have directly influenced the context of the appeal site. The proposed dwelling would also lie side onto the street with its principal frontage facing the service lane. Its orientation and layout would therefore be a further distinguishing factor that would jar with the prevailing housing layout and character. I acknowledge that the existing wall is to remain, but the design, appearance and orientation of the proposal would be clearly visible above the wall. Given its prominent position within the street scene, the unacceptable impacts of the proposal's design, form and layout would be readily

apparent. My attention is drawn to permitted development rights but there is no evidence that the exercise of rights in this regard would result in a significant change to the architectural integrity of the terraces such that the identified harm would be justified.

9. I conclude that the proposed development would have a harmful effect on the character and appearance of the surrounding area. It would thus conflict with Policy DM2 of the Blaenau Gwent Local Development Plan (LDP) which seeks to ensure development proposals are appropriate to the local context in terms of type, form and scale and are of good design which reinforces local character and distinctiveness of the area.

Highway Safety

10. During my site visit in the early afternoon it was apparent that a significant amount of on-street parking takes place in the area. I observed vehicles parked on both sides of Glandwr Street and this has the effect of narrowing the highway to a single car width. In these circumstances, two-way traffic flow is restricted, and vehicles would be required to reverse in order to find space to pass. Traffic movements to/from Abertillery Park also contribute towards the current highway capacity issues.
11. In terms of parking for the proposal, there is provision for a double garage some 40m away, and there would be off-road space in front of the proposed dwelling. Although the proposal would remove parking for the existing dwelling and displace this onto the street, in the context of this dense residential environment, the additional parking demand arising from a single modest dwelling would not be significant. Existing and proposed traffic movements are not quantified by the Council and I observed low traffic speeds, good provision for pedestrians, and clear inter-visibility along the street. Further, I note that there are no parking controls or restrictions in the vicinity of the appeal site which normally indicate excessive parking and highway pressures. I do not doubt that there are highway capacity issues, especially during peak activity times at the Park. However, there is little evidence that the modest scale of the proposal would result in any material change to existing traffic and parking conditions to the extent that harm to highway safety would be caused. The proposal would therefore comply with LDP Policy DM1.

Conclusions

12. I have had regard to all matters raised, including the very modest contribution to housing supply and the personal and family circumstances that relate to the proposal. Nonetheless, and notwithstanding my findings on highway safety, the risk of flooding and the harm to the character and appearance of the area are overriding considerations.
13. 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 objectives of driving sustainable growth and building resilient communities.
14. For the aforementioned reasons, and taking into account all matters raised, I conclude that the appeal is dismissed.

HC Davies

Inspector