



Penderfyniad ar yr Apêl

Ymweliad â safle a wnaed ar 22/05/20

gan Melissa Hall BA(Hons), BTP, MSc,
MRTPI

Arolygydd a benodir gan Weinidogion Cymru

Dyddiad: 24.06.2020

Appeal Decision

Site visit made on 22/05/20

by Melissa Hall BA(Hons), BTP, MSc,
MRTPI

an Inspector appointed by the Welsh Ministers

Date: 24.06.2020

Appeal Ref: APP/L6940/A/20/3247609

Site address: Land opposite 1 Glanffrwd Terrace, Ynysybwl, Pontypridd

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 outline planning permission.
 - The appeal is made by Mr & Mrs Evans against the decision of Rhondda Cynon Taf County Borough Council.
 - The application Ref 19/1286/13, dated 6 December 2019, was refused by notice dated 29 January 2020.
 - The development proposed is described on the planning application form as 'A two storey three bedroom house'.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The application was made in outline form with matters of access and scale to be agreed. All other matters are reserved for subsequent consideration. I have therefore dealt with the appeal on that basis, treating the Ground and Lower Ground Plans and Elevations as indicative.
3. The Council amended the description of development to read 'Outline application for a residential dwelling with access and scale considered'. I am satisfied that the amended description accurately reflects the development proposed.

Main Issues

4. The main issues are the effect of the proposed development on the character and appearance of the area and on the living conditions of neighbours with particular regard to privacy.

Reasons

Character and appearance

5. The appeal site forms part of an open, linear and heavily vegetated parcel of land which has a frontage onto Glanffrwd Terrace to the south but slopes steeply down to
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meet a Public Right of Way (PROW) and rear lane serving the houses on Clydach Road to the north.

6. There would be a large gap between the appeal dwelling and the dwellings to the east at Tai Newydd where there is an existing group of mature trees separating the site from the built form in this direction. Similarly, there would be a large gap to the western side of the dwelling until the built form continues along Glanffrwd Terrace after the turn in the road and where it meets the end of the PROW, with the rear elevations, outbuildings and garden structures associated with the dwellings along Clydach Road becoming visible. In the context that I have described, the proposed dwelling would appear randomly and illogically sited in this area of undeveloped green space. Visually, it would not relate well to the existing built form and would fail to respect the pattern and layout of development in the immediate surroundings.
7. Although the submitted plans and elevations are indicative, they show a split-level dwelling which, as a result of the topography of the site, would require significant engineering works. The appellant contends that the dwelling has been designed so that it would be set down into the site, to minimise its apparent height from below and requiring relatively low retaining walls to the site boundary. Nevertheless, the submitted drawings do not include a measured topographical survey, which would give an accurate indication of the extent of the retaining works required. Rather, the illustrative scheme demonstrates that the dwelling's design would be complicated and contrived in order to address the site's constraints and would require significant retaining structures to deal with the considerable change in ground level. On the basis of the evidence before me, I am not convinced that the dwelling would not appear over-engineered, awkward and monolithic in its setting when viewed in its elevated position from the PROW. This matter therefore reinforces my concern regarding the adverse visual impact of such a development on the otherwise undeveloped, steeply sloping and verdant character of the site.
8. Consequently, the proposed development would conflict with Policy AW 5, AW 6 and NSA 12 of the adopted Rhondda Cynon Taf Local Development Plan 2011 (LDP), insofar as the scale, form and design of proposals should have no unacceptable effect on the character and appearance of the site and the surrounding area and new development should be appropriate to the local context.

Living conditions

9. The submitted indicative drawings show that a dwelling could be designed so that there would be no habitable room windows facing directly towards the existing dwellings on Glanffrwd Terrace or Clydach Road.
10. Be that as it may, I share the Council's concerns regarding the degree of overlooking, and the perception of being overlooked, from within the garden areas of the properties on Clydach Road given the steeply sloping topography of the site. Whilst I accept that the properties in Clydach Road may be in the order of 35 metres away, the degree of elevation is such that views would be gained over the boundary walls, garage and vegetation into the gardens below. The indicative design of the proposed dwelling, which includes an elevated garden and/or balcony area, would increase the opportunity for future residents to sit out for long periods of time and overlook the private rear gardens of the dwellings on Clydach Road. Such a situation would adversely affect the living conditions that the occupants of these neighbouring properties should reasonably expect to enjoy.

11. To this end, the proposal would conflict with LDP Policies AW 5 and NSA 12, which *inter alia* require new development to have no significant impact upon the amenities of neighbouring occupiers.
12. I also note that the Council takes issue with the design of the dwelling, particularly the positioning of the habitable room windows, and whether this would compromise the outlook and thus living conditions of any future occupiers. In my view, this would be a design detail which may or may not form part of the reserved matters. I have not therefore taken this matter any further.

Other Matters

13. My attention has been drawn to the two, recently constructed, three storey dwellings at Tai Newydd. The Council argues that they are distinguishable from the proposal before me insofar as they occupy wider sites and have more restrictive views given the presence of existing mature and protected trees to the north which provide a level of screening from the Public Right of Way below and those dwellings located at Clydach Road. I also understand that those dwellings were also consented under an earlier policy regime. I share the Council's view that there are distinct differences between the existing dwellings cited and that the subject of the appeal, not least due to the siting relationship with the adjacent built form and the degree of separation. As such, this matter does not alter my conclusions in respect of the proposal before me.
14. I note the appellant's contention that the proposal would comply with some of the criterion of LDP Policy AW 5, AW 6 and NSA 12. Whilst I do not dispute that the development may accord with certain aspects of the LDP Policies, it would conflict with other criterion related to the impact on the character and appearance of the site and surrounding area and the effect on the amenities of neighbouring occupiers. As such, compliance in part with the relevant LDP Policies does not outweigh the harm I have identified.

Conclusion

15. For the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be dismissed.
16. 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 building healthier communities and better environments.

Melissa Hall

INSPECTOR