

ANNEX B

1. Planning Application: 2014/0876

Location: Webbsfield, Nr Brookvale, Ilston, Swansea

Proposal: Ground mounted solar array; capacity up to 1MW, ancillary infrastructure including access track, fencing, security cameras, inverter kiosks and substation building.

Appeal Decision: Appeal Dismissed

Summary:

The main issues for consideration with this application were the impacts of the proposed solar park on the visual amenity of the area and AONB, upon residential amenity, highway safety, and upon ecology & habitats, assessed against the need to provide renewable energy, supported in principle by national and local planning policy. This application was reported to Committee with a recommendation of approval as it was considered that on balance, the scheme was appropriate in terms of its scale and design and would not cause unacceptable loss of amenity to neighbouring properties or surrounding land. There would not be significantly adverse visual impact on landscapes, open spaces and the general locality from the site and there would be no significantly adverse or detrimental impact on the ecology, habitats, highway safety or land drainage in the area.

Committee did not accept the recommendation and refused the planning application for the following reasons:

1 The proposal by virtue of its scale and nature would have a detrimental impact upon the character and appearance of the area and the natural beauty of Gower AONB contrary to the provisions of Policies EV1, EV2, EV21, EV22, EV26 and R11 of the City & County of Swansea Unitary Development Plan (2008).

2 Approval of this application would set a dangerous precedent for the consideration of similar applications within the area the cumulative impact of which would have a seriously detrimental impact upon the character, appearance and natural beauty of the countryside and Gower AONB contrary to the provisions of Policies EV22 and EV26 of the City & County of Swansea UDP (2008).

An appeal against the refusal was considered by way of a hearing and the Inspector considered the main issue to be the effect of the development on the character and appearance of the Gower AONB.

In reaching his decision, the Inspector considered that the amount of renewable energy that would be generated by the scheme, which would equate to the needs of 300 households (some 20% of dwellings on Gower) was a significant consideration that weighs in favour of the scheme. However, this must be weighed against the landscape harm as a result of the proposal, especially in areas where the landscape

is of national importance. He considered that the proposed development would constitute features out of scale and character with the countryside surroundings that would be readily noticeable and incongruous from parts of the highway network. The harm caused by this visual impact was considered to outweigh the benefits of the scheme and the appeal was dismissed.

2. Planning Application: 2014/1461

Location: 11 Caswell Road, Langland, Swansea

Proposal: Removal of condition 04 of planning permission 2008/2092 dated 28/06/2010 to allow the completion of the build without installing the Louver system

Appeal Decision: Appeal Allowed

Summary

The application sought planning permission for the removal of Condition 04 of the previously granted planning permission, No.2008/2092, at No.11 Caswell Road Langland. The original permission was for a two storey side extension, two storey part single storey rear extension, detached garage, boundary wall up to 2.3 metres in height, trellis structure and chimney. Condition 4 stated:

Condition 04:

Prior to the first floor element of the two storey rear extension being brought into beneficial use the proposed louver system, as shown on Drawing No. C108/PL/013 received on 24th February 2010, shall be erected and attached to the building in accordance with the approved plans and shall thereafter be retained as such.

Reason: To safeguard the privacy of the occupiers of neighbouring residential properties.

The original planning permission had an additional condition relating to the rear first floor window, requiring the installation of unopenable and obscure glazing to a height of 1.5m. This condition was complied with and prevented prevented some of the overlooking impacts from the window; however it is possible to see over the obscured glazing. It was considered that on balance, the removal of the requirement for the louvered vents would allow some negative overlooking to occur. However this could be prevented by increasing the obscured glazing to a height of 1.7m. and it was recommended that the application be approved with a condition to secure the increase in the height of the obscure glazing.

Committee did not accept this recommendation and refused the application for the following reason:

'The removal of Condition 4 of planning permission 2008/2092 would result in a lack of adequate mitigation measures being in place to protect the privacy of the neighbouring occupiers, contrary to Policies EV1 and HC7 of the City and County of

Swansea Unitary Development Plan 2008 and the Council's Supplementary Planning Guidance entitled 'A Design Guide for Householder Development'.

In considering the appeal, the Inspector accepted that obscurely gazing the window to a height of 1.5m was not sufficient to adequately protect the neighbour's privacy. However, he considered that increasing the height of the obscure glazing to 1.7m would adequately mitigate the impacts of overlooking and make condition 4 unnecessary. The appeal was allowed.

3. Planning Application: 2014/1184

Location: 49 Higher Lane, Llangland, Swansea

Proposal: Retention and Completion of front patio

Appeal Decision: Appeal Dismissed

Summary

The main issues were the impact of the development on the residential amenity of neighbouring occupiers and the visual impact on the streetscene. It was not considered that the development would have an unacceptable overbearing or overshadowing impact on adjoining property nor would it be generally visible within the streetscene. It was considered that a condition requiring the provision of a screen along the boundary with the adjoining property would prevent overlooking and as a result the application was recommended for approval.

Committee did not accept this recommendation and refused the application for the following reason:

'The front patio, by reason of its elevated ground level and close proximity to the common boundary with 51 Higher Lane, will give rise to users of the patio overlooking this neighbouring property, resulting in a loss of privacy to the neighbouring occupiers, contrary to Policies EV1 and HC7 of the City and County of Swansea Unitary Development Plan and the Council's Design Guide for Householder Development'

The Inspector considered that without effective screening, there would be a serious adverse effect on neighbours' privacy and harm to their living conditions. However, as details of a permanent screen were not submitted with the appeal, and neighbours had not had a chance to comment on any proposed screen, the Inspector could not comment on whether a 1.8m fence would be acceptable. He considered that the Local Planning Authority would need to consider details of the fence in the first instance and consequently dismissed the appeal. A subsequent application for retention of the patio and fence was approved by Planning Committee in 2015.

4. Planning Application: 2014/1678

Location: 114 Castle Road, Mumbles, Swansea

Proposal: Two storey part single storey rear extension, rear dormer, and front bay window (amendment to planning permission 2013/0249 granted 23 April 2013)

Appeal Decision: Appeal Allowed

Summary

This application sought planning permission for an amendment to a previously approved planning application for the above development. The extension had a slightly larger footprint than the originally approved extension and the fenestration detail for the rear dormer varied slightly. It was considered that the impact of the development as constructed was not significantly different to the impacts from the approved scheme and approval was recommended. Committee did not accept this recommendation and refused the application for the following reason:

'The proposed amendment to the originally approved application (Ref 2013/0249) would have a significant incongruous and detrimental impact on the adjoining property at No 116 Castle Road, by virtue of its siting and inadequate separation distance from the access steps to the neighbouring property, and therefore fails to comply with Policy HC7 of the City and County of Swansea Unitary Development Plan'

The Inspector considered that the minor amendments effected by the proposal would have a negligible impact on the living conditions of the neighbours. Furthermore, the Inspector commented that whilst the proposal would close off an entrance to a side passageway that enables access to the rear of the adjacent property, access is retained to the rear through the property and the right of access is a legal dispute, and any private legal rights would not be prejudiced by the planning decision. The appeal was allowed.

5. Planning Application: 2014/0761

Location: Land at Pencefnarda Uchaf Farm, Pencefnarda Road, Gorseinon

Proposal: Installation of ground mounted solar array; capacity up to 3.6 megawatts; ancillary infrastructure including fencing, security cameras, inverter kiosks, construction compound and laydown areas, cabling, substation building and screening/landscaping

Appeal Decision: Appeal Dismissed

The main issues for consideration with this application were the impacts of the proposed solar park on the visual amenity of the area, upon residential amenity, highway safety, and upon ecology & habitats, assessed against the need to provide renewable energy, supported in principle by national and local planning policy. This

application was reported to Committee with a recommendation of approval as it was considered that on balance, the scheme was appropriate in terms of its scale and design and would not cause unacceptable loss of amenity to neighbouring properties or surrounding land. There would not be significantly adverse visual impact on landscapes, open spaces and the general locality from the site and there would be no significantly adverse or detrimental impact on the ecology, habitats, highway safety or land drainage in the area.

Committee did not accept the recommendation and refused the planning application for the following reason:

The proposal is considered to constitute inappropriate development which would neither conserve nor enhance the character of the countryside or the openness of the green wedge and which would have an adverse visual impact when viewed from the residential properties within Pencefnarda Road, contrary to Policies EV1, EV23 and R11 of the City and County of Swansea Unitary Development Plan.

In reaching his decision, the Inspector concluded that the development was inappropriate development within the green wedge and very exceptional circumstances did not exist to clearly outweigh the harm caused. Whilst recognising that national planning policy encourages the provision of renewable energy, he heard no compelling evidence that the use of the land for the generation of electricity outweighed the harm caused to the area. In addition, he considered the development would cause unacceptable harm to the character and appearance of the area, and be detrimental to the outlook of adjacent residential properties. The appeal was dismissed.

6. Planning Application: 2014/1620

Location: Gwenlais Uchaf Farm, Pontlliw, Swansea.

Proposal: Construction of a 4MW solar farm comprising of 12,934 individual panels and associated structures and works

Appeal Decision: Appeal Dismissed

Summary

The main issues for consideration with this application were the impacts of the proposed solar farm on the visual amenity of the area, upon residential amenity, highway safety, ecology & habitats and the impact on the setting of the Grade II listed buildings on site.

In essence, the scheme assessment and decision outcome was essentially a balance between the national and international will for a future with renewable energy, supported by regional and local policy in principle, against the impact of such schemes on the landscape and environment in which they are sited.

The application was considered appropriate in terms of its scale and design and would not cause unacceptable loss of amenity to neighbouring properties or surrounding land. It was not considered there would be a significant adverse visual

impact on landscapes and the general locality from the site, and there would be no significantly adverse or detrimental impact on the ecology, habitats, highway safety or land drainage in the area. An additional prime consideration was the impact on the setting of the Grade II listed buildings. However, the mitigation measures proposed, including a reduced management regime for those hedgerows where visible impacts might occur, to enable them to reach 2.5m in height should adequately mitigate the issues of visual impact on the Listed Building and its curtilage. Approval was recommended.

Committee did not accept the recommendation and refused the application for the following reason:

'The proposal is considered to constitute inappropriate development in the countryside which cannot be satisfactorily incorporated into the landscape and would have an adverse visual impact particularly when viewed from the public right of way known as the Gower Way, and nearby residential properties, contrary to Policies EV1, EV22 and R11 of the City and County of Swansea Unitary Development Plan (2008).'

The appeal Inspector considered the main issues to be the visual impact of the proposal and its effect on the setting of listed buildings within the site. He considered that the benefits of the proposal including a significant contribution to meeting government renewable energy targets, short term construction jobs and income to the landowners to enable maintenance of the listed buildings and their land within an SSSI and SINCR are substantial and weighed in favour of the proposal. However, he considered that the adverse effects on the users of the Gower Way and local residents in terms of the visual impact of the proposal and on the setting of the listed buildings were not outweighed by the benefits of the proposal. Proposed mitigation in the form of planting would take some years to be effective in screening the proposal. The appeal was dismissed.

7. Planning Application: 2015/0701

Location: Plot 22 Ladysmith Road, Treboeth.

Proposal: Retention and alteration of detached dwelling house and garage on Plot 22.

Appeal Decision: Appeal Dismissed

Summary

Planning permission had been granted in 2007 for the construction of a dwelling on this site as part of a wider residential development. The dwelling was not built in accordance with the approved plans. This application sought amendments to the as built dwelling to overcome previous reasons for refusal on the site and the Planning Inspector's reasons for the dismissal of previous appeals. It was considered that the proposed alterations would not be detrimental to the visual amenity of the area and had addressed previous concerns regarding the impact on the residential amenity of neighbouring residents. Approval was recommended.

Committee did not accept the recommendation and refused the application for the following reason:

'The proposal by virtue of its size, height and close proximity to Nos. 57 and 59 Gelli Aur will have a significant overbearing impact which is to the detriment of the residential amenity of the occupiers of those dwellings and is contrary to Policies EV1 and HC2 of the City and County of Swansea Unitary Development Plan (2008) and the Supplementary Planning Guidance 'Places to Live : Residential Design Guide 2014'.

The Inspector considered that the proposed changes would reduce the visual impact of the dwelling when viewed from Gelli Aur and the main issue was whether or not it would be acceptable in terms of the effects on the amenity of those neighbouring properties. He considered that the dwelling would still appear dominant and overbearing from properties in Gelli Aur. He considered the impact of the his decision on the Human Rights of the occupiers of the property and determined that the dismissal of the appeal was necessary in a democratic society in furtherance of the legitimate aims stated in the relevant Articles of the European Convention on Human Rights. The appeal was dismissed.