



Penderfyniad ar yr Apêl

Ymweliad â safle a wnaed ar 11/06/20

gan H C Davies BA (Hons) Dip UP
MRTPI

Arolygydd a benodir gan Weinidogion Cymru

Dyddiad: 20.07.2020

Appeal Decision

Site visit made on 11/06/20

by H C Davies BA (Hons) Dip UP MRTPI

an Inspector appointed by the Welsh Ministers

Date: 20.07.2020

Appeal Ref: APP/B6855/A/20/3245697

Site address: 2 The Bryn, Sketty, Swansea SA2 8DD

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 Estateways PLC against the decision of the City and County of Swansea Council.
- The application Ref 2019/1342/FUL, dated 11 June 2019, was refused by notice dated 11 December 2019.
- The development proposed is 'demolition of existing dwelling and construction of 1 detached bungalow and 2 detached dwellings.'

Decision

1. The appeal is allowed and planning permission is granted for demolition of existing dwelling and construction of 1 detached bungalow and 2 detached dwellings at 2 The Bryn, Sketty, Swansea SA2 8DD in accordance with the terms of the application, Ref 2019/1342/FUL, dated 11 June 2019, subject to the conditions set out in the attached schedule.

Procedural Matters

2. The Council's decision is based on an amended scheme as described above. My decision is also made on this basis.
3. The appellant has referred to amended drawings that were not formally submitted during the course of the planning application. For the avoidance of doubt, my assessment relates to the plans determined by the Council. I have no jurisdiction to consider plans submitted after the application has been determined.

Main Issue

4. The main issue is the effect of the proposed development on the character and appearance of the surrounding area.

Reasons

5. The appeal relates to a modest two-storey detached property, accommodating a central location within a large residential curtilage. The site is located within a residential area, characterised by predominantly detached single-storey and two-storey properties, which display significant variety in appearance, scale and form.
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Whilst dwellings are generally set back from the footway, the building line is slightly staggered towards this end of The Bryn. Immediately opposite is an imposing six storey block of flats. The appeal site occupies a corner position and is unique within the context of the street setting, not only due to its extensive and irregular shaped curtilage but given it incorporates a number of mature trees, some of which dominate its frontage. Several of these trees are subject to Tree Preservation Orders (TPOs).

6. The proposed two-storey dwellings would be sited on or close to the footprint of the existing dwelling. Whilst their siting would not strictly follow the general layout of the existing development pattern in The Bryn, they would follow the general scale, design and appearance of surrounding dwellings, as such, these proposed dwellings would not have any adverse effects on the area's character.
7. The Council's Supplementary Planning Guidance "Infill and Backland Design Guide" (SPG), emphasises that plots must be sufficiently wide to site buildings of an appropriate frontage width without resulting in a cramped appearance. The SPG also states that mature vegetation is not easily replaced and should be retained where possible as it can soften the impact of development. The siting of the bungalow would respond to the constraints of the surrounding trees and associated root and branch protection area. These trees provide effective screening of this part of the site in views from the road, consequently, the proposed bungalow, though visible, would not be overly prominent. Although the proposed bungalow would be positioned quite close to the neighbouring property's boundary, it would be set back from the road with a parking area at its frontage and be sited in grounds that would be more spacious than is generally characteristic of the surroundings. The bungalow would therefore not appear cramped or over intensive in relation to the surrounding built context.
8. The proposed bungalow would be of quite different design to its neighbours, due primarily to its flat roof, L-shape layout and mix of materials comprising face brick, timber and metal cladding. The contemporary design would be accentuated by its location slightly forward of the neighbouring property, however, I do not find that the proposed bungalow would alter the already staggered building line to the extent that it would have a harmful effect on the street scene when viewed from The Bryn.
9. Although, the north-west (side) elevation consists of a large blank wall close to the boundary, given the existing wall/fence along the boundary, the difference in ground levels, and flat roof design, the proposal's bulk and mass would not appear incongruous. The front elevation has vertically dominant windows and whilst such features increase the prominence of building this is not to such a degree as to be unacceptable. I consider that the development would be commensurate with the existing built form. In respect of the external materials proposed for the bungalow, I share the Council's concerns regarding the use of timber and metal cladding for the walls and I am not persuaded that these are appropriate materials in this setting. Nevertheless, the appellant has indicated a willingness to use more traditional materials such as brick and render and I consider a bungalow constructed of such materials would not have a detrimental effect on the character of its surroundings. A condition to this effect would ensure that the materials would be in keeping with the surroundings.
10. I conclude that the proposed development would not cause material harm to the character and appearance of the area. It therefore complies with the objectives of Policy PS 2 of the adopted Swansea Local Development Plan, which, amongst other things, states that development should enhance the quality of places and spaces and respond positively to aspects of local context and character that contribute towards a

sense of place. For the same reasons, I also find that the scheme aligns with the design aims of the adopted SPG.

Other Matters

11. I have considered all other matters, including those raised by interested parties. With regard to concerns relating to overlooking and overshadowing, given the angle of view and the separation distance between the appeal property and adjacent dwellings there would be no material harm in this regard. Similarly, I have not seen anything that would indicate that the development would result in harm to highway safety or that the noise generated during the construction process would justify planning permission being withheld. Finally, given that the planning system does not exist to protect private interests, the effect of the proposed development upon the valuation of neighbouring properties is not a material planning consideration.

Conditions

12. I have considered the conditions suggested by the Council in the light of Circular 16/2014: The Use of Planning Conditions in Development Management. In addition to the standard conditions to control the commencement of works and to ensure that they are undertaken in accordance with the submitted details, conditions relating to the provision of landscaping and protection of trees are necessary to prevent unacceptable harm to the character and appearance of the area. In the interests of maintaining the visual amenity of the area I have required approval of the materials to be used externally in the construction of the dwellings. A condition relating to the access, parking and turning areas is necessary in the interests of residential amenity and highway safety. A condition to control the management of dust and mud during demolition and construction works is necessary to minimise the environmental impacts for local residents and users of the adjacent highway. To avoid localised flooding and pollution it is necessary to agree details of the means of drainage.

13. The Council's suggested conditions in relation to biodiversity enhancement and protection are necessary in the interests of protecting and safeguarding ecological interests and is consistent with Section 6 of the Environment (Wales) Act 2016. Conditions removing permitted development rights should only be imposed in exceptional circumstances however in this instance, I find no compelling evidence that such a condition is necessary to safeguard residential or visual amenity.

Conclusion

14. In reaching my decision I have taken account of 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 one or more of the Welsh Minister's well-being objectives set out in section 8 of the WCFG Act.

15. For the reasons given above, and taking into account all matters raised, I conclude 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 Sections 91 and 93 of the Town and Country Planning Act 1990.

2. The development shall be carried out in accordance with the following approved plans and documents: Site location plan, TB/18/104A house 1 proposed plans + section received 12th June 2019. TB/18/105B house 1 proposed elevations sheet 1, TB/18/106B house 1 proposed elevations sheet 2 received 24th June 2019. TB/18/100F proposed site plan, TB/18/101C bungalow proposed plans, TB/18/102C bungalow proposed elevations sheet 1, TB/18/103D site sections and bungalow proposed elevations sheet 2 received 4th September 2019. TB/18/107C house 2 proposed plans, TB/18/108C house 2 proposed elevations sheet 1, TB/18/109C house 2 proposed elevations sheet 2, C001 REV B drainage strategy plan, C001 REV B drainage strategy plan received 23rd October 2019.

Reason: To ensure compliance with the approved plans, and to clearly define the scope of the permission.

3. No development or site clearance shall take place until there has been submitted to and approved in writing by the Local Planning Authority a fully detailed scheme of landscaping including species, spacings and height when planted of all new planting. The scheme shall include indications of all existing trees (including spread and species) and hedgerows on the land, identify those to be retained and set out measures for their protection throughout the course of development. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the first beneficial occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

Reason: In the interests of maintaining a suitable scheme of landscaping to protect the visual amenity of the area, to maintain the special qualities of the landscape and habitats through the protection, creation and enhancement of links between sites and their protection for amenity, landscape and biodiversity value. (Policy PS 2 of the LDP)

4. No development shall take place until an updated Tree Protection Plan showing those trees to be retained and those to be removed has been submitted to and approved in writing by the Local Planning Authority. Development shall thereafter take place in accordance with the approved Tree Protection Plan.

Reason: To prevent detrimental impact to trees, hedges and other landscape features which contribute to the amenity, landscape and biodiversity of the site and surrounding area. (Policy ER 11 of the LDP)

5. Notwithstanding the submitted details set out on Site Plan TB/18/100 Rev F no development shall take place until full details of the access, turning, parking and visibility splays for each dwelling have been submitted to and approved in writing by the Local Planning Authority. The details shall provide for visibility envelopes to be kept free of enclosures or trappings other than those trees marked for retention, provide full details of the hard surfacing material which shall be porous and details of the areas to be dedicated for parking and turning associated with each dwelling.

Development shall thereafter take place in accordance with the approved details with the parking areas retained for parking purposes and visibility splays being kept free of enclosures or trappings in perpetuity.

Reason: In the interests of highway safety. (Policy T 6 of the LDP)

6. No development shall commence, including any works of demolition, until a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority. The approved statement shall be adhered to throughout the construction period. The statement shall provide for:
 1. The parking of vehicles of site operatives and visitors.
 2. Loading and unloading of plant and materials.
 3. Storage of plant and materials used in constructing the development.
 4. The erection and maintenance of security hoarding including decorative displays and facilities for public viewing where appropriate.
 5. Wheel washing facilities.
 6. Measures to control the emission of dust and dirt during demolition and construction and
 7. A scheme for recycling/disposing of waste resulting from demolition and construction works.

Reason: To reduce the likelihood of obstruction of the highway, danger to road users, to conserve public health and local amenity, to ensure satisfactory standard of sustainable development and in order to ensure a proper standard of development and appearance in the interests of conserving the amenities and architectural character of the area. (Policy T 5 of the LDP)

7. No development shall commence until full details including samples of the materials to be used in the construction of the external surfaces of the development hereby approved have been submitted to and approved in writing by the Local Planning Authority. Development shall thereafter be carried out in accordance with the approved details.

Reason: In order to ensure that the proposed materials are sympathetic to the development and surrounding site context. (Policy PS 2 of the LDP)

8. Prior to the commencement of development, a scheme of Ecological Enhancement Measures (in the form of bird and bat boxes/bricks to be provided within or to the walls of the dwellings and on suitable trees within the site) shall be submitted to and approved in writing by the Local Planning Authority. The approved Ecological Enhancement Measures shall be shown on an Architectural drawing and shall be fully provided on site no later than 6 months following the completion of the development and shall be retained as such in perpetuity.

Reason: In the interests of ecology and biodiversity enhancement. (Policy ER 9 of the LDP)

9. Prior to the commencement of development, a lighting strategy shall be submitted to and agreed in writing with the Local Planning Authority. The strategy shall ensure that the habitats adjacent to the site and the retained/proposed habitat areas are not lit during the construction, or operational phases of the development. The strategy shall also ensure that any external lighting to the completed dwellings shall not impact bats and other nocturnal species. The development shall be carried out in full accordance with the agreed strategy.

Reason: In the interest of protected species. (Policy ER 9 of the LDP)

10. During construction works all trenches and excavations must be fenced off or covered over at night to prevent any animals (hedgehogs, badgers, otters and other species such as polecat which has been recorded nearby) from falling in and becoming trapped. If this is not possible an adequate means of escape must be provided (i.e. a gently graded side wall or provision of gently sloped wooden plank or equivalent). Any exposed pipes and trenches must be checked for trapped wildlife each morning before starting construction activities.

Reason: In the interests of the protection of species. (Policy ER 9 of the LDP)

11. In order to retain habitat connectivity for Species of Principal importance, such as hedgehogs, any boundary treatments associated with the development shall not be flush to the ground unless suitably sized gaps 13 x 13 cm are left at strategic points along the boundary treatment. See <https://www.hedgehogstreet.org/hedgehog-friendly-fencing/>

Reason: For the protection of species. (Policy ER 9 of the LDP)

12. No building shall be occupied until the foul drainage system for the site has been completed in accordance with the approved details. Thereafter no further surface water and/or land drainage shall be allowed to connect directly or indirectly with the public sewerage system.

Reason: To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no pollution of or detriment to the environment. (Policy RP 1 of the LDP)