



Appeal Decision

by R H Duggan BSc (Hons) DipTP MRTPI

an Inspector appointed by the Welsh Ministers

Decision date: 23/03/2023

Appeal reference: CAS-02132-L1H8V2

Site address: 2 Broadview Lane, Mumbles, Swansea SA3 4LN

- 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 Alex O'Brien against the decision of the City and County of Swansea Council.
 - The application Ref 2020/2629/FUL, dated 21 December 2020, was refused by notice dated 12 July 2022.
 - The development proposed is the demolition of existing dwelling and construction of a 4 storey block containing 3 flats.
 - A site visit was made on 13 March 2023.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The description set out in the banner heading above is taken from the Council's decision notice as this more accurately describes the development being proposed due to the amendments made to the scheme during the determination of the planning application. Therefore, my consideration of this appeal is based upon this more up to date and detailed description, and I consider that there would be no prejudice in using this description in my decision.

Main Issues

3. I consider the main issues to be the impact of the development on the character and appearance of the street scene and whether it preserves or enhances the character or appearance of Mumbles Conservation Area; and its impact on the living conditions of the occupiers of No's 1 and 3 Broadview Lane.

Reasons

Character and Appearance

4. The appeal site comprises a detached dwelling located within an elevated position above the centre of Mumbles village. Broadview Lane and Broadview Close are characterised

by large, detached dwellings of varying architectural styles that are raised above the level of the highway due to the steep topography in the area, with the majority of houses having car parking areas and terraced gardens to the front and steeply sloping amenity areas to the rear. The appeal property is viewed as being the middle dwelling of three on Broadview Lane and has the appearance of a split-level dwelling sited on a raised platform above the road.

5. It is proposed to demolish the existing dwelling and erect a 4-storey building containing three one-bedroom flats, with 4No. car parking spaces and bin and cycle storage, which would necessitate lowering the site to road level and excavation works to the rear. The building would have a contemporary appearance with large areas of glazing and balconies on the upper three floors of the front elevation, and it would have a pitched roof with a gable front projection similar to the design of No. 1 Broadview Lane.
6. National planning policy guidance set out within Planning Policy Wales (PPW) and Technical Advice Note 12 'Design' (TAN12) also advises that *'understanding the site and its immediate and wider context is the basis for a meaningful and sustainable design response...Opportunities for innovative design will depend on the existing context of development and the degree to which the historic, architectural, social or environmental characteristics of an area may demand or inhibit a particular design solution.'*
7. Having regard to the varied design of houses found in the area and the more modern appearance of No's 1 and 3 Broadview Lane, I consider that the use of modern materials within a contemporary design palette would harmonise with the adjoining properties. The height of the proposed building when viewed from the front would result in a gradual stepping down in building heights from No. 3 to No. 1 Broadview Lane, and the front gable feature would respect the local context and the varied roof designs found in the street scene.
8. Even though the scale, design and appearance of the front of the development would be acceptable, the additional bulk of the building at the rear would contrast strongly with the rear elevations of No's 1 and 3 Broadview Lane. Both neighbouring properties have similar traditional sloping roof forms to the rear with low eave heights that effectively result in a single storey elevation when viewed from the rear. By contrast, the eaves height of the proposed building would be significantly higher resulting in a three-storey rear elevation. When viewed from the road below and vantage points from the rear of other houses along Broadview Close as well as more distant vantage points, the full extent of the rear of the building and consequential substantial scale and bulk above its two neighbours will be very obvious and somewhat looming.
9. By virtue of the scale and massing of the rear section of the proposed building, the development would appear unduly cramped in its plot and have an unsympathetic and overbearing impact on the area. This would result in unacceptable harm to the character and appearance of the street scene. To this end, the proposal would conflict with Policy PS2 of the Adopted City and County of Swansea Local Development Plan (2019) which, amongst other things, seeks to ensure that development enhance the quality of places and spaces and respond positively to aspects of local context and character that contribute towards a sense of place.
10. Having regard to the duty imposed by Section 72(1) of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990, and taking into account the prevailing character of the area, I find that the proposed development would neither preserve or enhance the character and appearance of the conservation area, and would conflict with Policies HC1 and HC2 of the Adopted LDP.

Living Conditions

11. The building would project approximately 1.4 metres beyond the rear elevation of No. 1 Broadview Lane and significantly more than this from the rear of No. 3. The proposed building would also be sited close to the common boundaries with No's 1 and 3 and would effectively be three-storeys in height when viewed from the neighbouring dwellings. As a result of the close proximity and height of the building rising up close to the boundaries of the appeal site, the development would result in a tall flank wall close to the common boundaries with No's 1 and 3 Broadview Lane. From the rear gardens of both properties and in views from the rear facing windows of both houses, including the sky lights serving the kitchen of No. 1, the outlook would be dominated by an unrelieved mass of built form in a way that I consider would be overbearing and oppressive. Moreover, the height, mass and in particular the close proximity of the proposed building to the boundaries of No's 1 and 3 would result in an imposing and oppressive form of development that would be visually over-dominant. The development would increase the sense of enclosure with consequence adverse effects on the living conditions of the occupants concerned.
12. The bedroom of each flat would be located to the rear of the building with all three flats having a window overlooking the rear of the appeal site. The garden level of No.1 Broadview Lane is approximately level with the second floor of the proposed building. I am of the view that the height of the rear section of the proposed building in close proximity to the side boundaries of the site would result in direct overlooking of the private amenity space of No. 1 from the three bedroom windows. The occupiers of the neighbouring dwelling would have a significant perception of being overlooked within their garden area and would experience a strong sense of intrusion resulting in an unacceptable increase in actual and perceived loss of privacy.
13. For these reasons, the development would cause significant harm to the living conditions of the occupiers of No's 1 and 3 Broadview Lane and in this respect, the proposal would conflict with Policy PS2 of the LDP.

Conclusions

14. Having regard to the above and considered all other matters raised by the Appellant, I conclude that the appeal should be dismissed.
15. 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 making our cities, towns and villages even better places in which to live and work and embedding our response to the climate and nature emergency in everything we do.

R. Duggan

INSPECTOR