

Penderfyniad ar yr Apêl

Ymweliad â safle a wnaed ar 30/07/19

gan Vicki Hirst BA (Hons) PG Dip TP
MA MRTPI

Arolygydd a benodir gan Weinidogion Cymru

Dyddiad: 22.08.2019

Appeal Decision

Site visit made on 30/07/19

by Vicki Hirst BA (Hons) PG Dip TP MA
MRTPI

an Inspector appointed by the Welsh Ministers

Date: 22.08.2019

Appeal Ref: APP/B6855/A/19/3227039

Site address: Land north of Rhodfa Fadog, Cwmrhydyceirw, Swansea, SA6 6LQ

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 Ms E McGinley (Morganstone Ltd) against the decision of the City and County of Swansea Council.
- The application Ref 2018/2540/FUL, dated 30 November 2018, was refused by notice dated 11 March 2019.
- The development proposed is the demolition of the existing building on site and construction of residential development comprising 40 affordable apartments, 3 no. retail units, associated parking, landscaping and ancillary works.

Decision

1. The appeal is dismissed.

Procedural Matters

2. Amended plans were received during the processing of the application and formed the basis of the Council's decision. It is these plans that my determination relates to.
3. A Unilateral Undertaking has been provided under the provisions of section 106 of the Town and Country Planning Act 1990. It provides obligations to construct all the residential units as affordable housing units to Welsh Government Design Quality Requirement standards (DQR) and to procure the transfer of the residential units to a registered social landlord. It also procures that the residential units remain as affordable housing units in perpetuity and if the parties are not able to reach an agreement with a registered social landlord for the sale of the units that they are offered for sale to the Council.
4. The Undertaking is signed but not dated. As such I am unable to afford it any weight. Given the extent of harm that I have identified below in relation to the main issues it has not been necessary to consider the significance of the absence of these obligations.

Main Issues

5. The main issues are:

- the effect of the development on the character and appearance of the area; and
- the effect of the development on the living conditions of future residents with particular regard to the provision of private amenity space.

Reasons

Character and appearance

6. The appeal site comprises the site of a former retail store and is located within a predominantly residential area. To the immediate west of the site lie two commercial premises which at the time of my site visit were occupied by a hairdresser and a fish and chip shop. An area of public open space lies beyond these premises to the north and provides pedestrian access via a surfaced path to the wider residential area. An area of woodland and a stream are located to the east of the appeal site and residential development is located to the north. To the south lies the access road, Rhodfa Fadog. The site rises in height from south to north. It occupies a highly prominent position within the area.
7. The existing residential development in the locality is of fairly typical 1960's/1970's estate design comprising a mixture of one and two storey detached and semi-detached properties predominantly finished in brick and tile hanging with gabled roofs. The area is of a relatively low density with development interspersed with open grassed areas and mature trees with views between houses. It has an open and verdant character.
8. The existing single storey vacant retail store would be demolished and replaced with two three storey blocks of development. The block to the south (Block 1) would contain 16 flats on the first and second floors and 3 retail units at ground floor and the block to the north (Block 2) would contain 24 flats over 3 floors. Block 1 would have a west/east orientation and Block 2 would be on a north/south axis. Some reduction in the site levels would be carried out, particularly at the northern end of the site to facilitate the development. Both blocks would have flat roofs and would be designed with a palette of materials comprising buff and red brickwork, and grey cladding used to distinguish between projecting window bays and the larger expanses of the buildings. Parking would be provided on the south, east and west sides with an access road taken from the existing entrance point from the adjacent roundabout. Several protected trees would be felled as part of the development and landscaping would be carried out.
9. Policy PS 2 of the Swansea Local Development Plan (the LDP) relates to placemaking and place management. It requires development to enhance the quality of places and spaces and respond positively to aspects of local context and character that contribute to a sense of place. The design, layout and orientation of proposed buildings and the spaces between them should provide for an attractive, legible, healthy, accessible and safe environment. All proposals should ensure that no significant adverse impacts would be caused to people's amenity.
10. The proposal would re-use previously developed land. Whilst I note residents' comments relating to the sustainability of the site, from the evidence before me the site is located in a relatively sustainable location. No objection has been raised by the

Council to the principle of the re-development of the site for a mixed residential and retail scheme and I have no reason to disagree.

11. The Council refused the application in part due to its design, scale and massing being out of character and appearance with the surrounding area. Whilst I acknowledge that the predominant scale of development in the area is either one or two storeys, I do not find that a development comprising an element of three storeys would necessarily be harmful to the character of the area given its particular context in relatively open surroundings. Furthermore, whilst the cladding would be a more modern external finish to that in the area, I find the proposed materials would be complementary to the surrounding use of brick and tile hanging.
12. Notwithstanding, the proposal would comprise two large blocks of development with associated parking, access and retaining structures. The whole development would be accommodated within three storeys, with both blocks of a substantial size with their principal elevations of considerable length. Both would be highly visible from the surroundings with views from dwellings, public highways, pedestrian paths, open space and woodland.
13. Whilst some relief to the massing would be provided through projecting bays, the fenestration and the palette of materials, the overall scale and massing of development would be dominating and imposing to the surrounding area. The development would take up a substantial proportion of the site and whilst some landscaping is proposed, the areas available for planting and landscaping would comprise a very small proportion of the overall site. Whilst I acknowledge that most of the protected trees proposed for removal are of poor quality, there would be the loss of three trees categorised as "good" to facilitate the access improvements. Whilst I acknowledge the Tree Officer's view that these could be mitigated for in a suitable landscaping scheme, in my assessment there would be little opportunity to provide a landscaping scheme including replacement trees of a species and eventual size that would compensate for the visual loss of the existing mature trees.
14. In addition there would be few views available through the development which is a particular characteristic of the area. The scale of the development would be emphasised by its relationship with the single storey commercial units to the west.
15. The proposal would be a high density development which would not be consistent with the lower density and openness of the wider area which provides its sense of place. It would appear crowded and squeezed into the space available and be dominated by buildings and hard surfaced car parking and access ways. The lack of outdoor amenity space provision considered below further adds to my view that the site would be overly dominated by buildings and hard surfaced areas. Whilst I acknowledge the appellant's arguments that the proposal is intended to provide a local centre and be a set piece, I find its overall scale and massing would be a dominating and imposing development in the locality. It would be at odds with the open and verdant character and appearance of the surrounding area and detrimental to the visual amenities of the locality. It would not respond positively to the local context and character and would not be in conformity with policy PS 2 of the LDP.

Living Conditions

16. Whilst I acknowledge the appellant's statement that the LDP sets no minimum standards for outdoor amenity space, policy PS 2 requires all developments to ensure that no significant adverse impacts would be caused to people's amenity.

17. The Council has adopted Supplementary Planning Guidance "Places to Live – Residential Design Guide" (the SPG). The principles for amenity space are to provide adequate external amenity spaces in all new developments. The design concept for a scheme should determine the quality, form and level of private space provision. Communal space for flats needs to be safe, and accessible only to residents, to provide for relaxation and clothes drying. It may be appropriate to reduce the level of on site amenity space for flats where there is accessible public space within 400 metres.
18. The submitted plans show no garden areas. No amenity space is proposed for Block 1 and a very small paved area is proposed to the north of Block 2. This area is indicated as containing rotary lines for clothes drying. This very small area of external amenity space would serve 40 apartments, a number of which are designed to accommodate 2 or 3 occupants. It is likely that some of the 2 and 3 bed apartments would be occupied by families with children who would benefit from the provision of outside space. Furthermore, the area would be dominated by rotary lines which would further reduce the area available for relaxation. The location of the amenity space between a three storey building to the south and a rising bank to the north would be in shade for much of the day and would not offer an attractive or desirable place to sit or enjoy.
19. Whilst there is public open space in the form of an open grassed area to the west and woodland to the immediate east, these provide access between the residential properties and the retail units both on and off the site. I noted on my site visit that both areas are used for dog walking. I do not find these areas would provide sufficiently private or appropriate spaces for quiet relaxation to justify the reduction in on site provision to the level proposed. I do not find that other areas drawn to my attention would offer a realistic option for day to day use given their location further from the site.
20. I find the provision of private outdoor amenity space would be severely deficient and would provide unacceptable living conditions and amenity for future residents. This would not be in accord with policy PS 2 of the LDP or its associated SPG.
21. In reaching this view, I note the appellant contends that the DQR standards confirm that it is not necessary for flatted developments to have any outdoor amenity space. Notwithstanding, I am required to make my decision in accordance with the development plan unless other material considerations indicate otherwise. The DQR standards do not outweigh my conclusion that in this particular instance, and in the context of the site before me, the proposal fails to accord with the development plan for the reasons that I have given.

Other Matters

22. The proposal was put forward on the basis that it would provide 100% affordable housing in an area of high need for such housing. It would utilise previously developed land in a sustainable location and provide local benefits as a result of the proposed retail units. The existing site is in a poor visual state, and I note the contention that its current condition encourages anti-social behaviour. I concur with the view that its re-development would be beneficial in principle.
23. I have noted above that the legal agreement which would secure the affordable housing is not dated and therefore I afford it no weight. However, even if it had been appropriately completed, whilst I give the above benefits considerable weight, I am not persuaded that the same benefits could not be obtained from an alternatively

designed scheme. I do not find the benefits sufficient to outweigh the harm that I have identified would arise from the particular scheme before me.

Conclusions

24. I have taken into account all other matters raised. I note the reference to other developments in the area but do not find these to be directly comparable to the proposal before me which should be assessed with regard to its own particular context. I have also taken into account the discussions that have taken place with the Council's officers in relation to design changes and the subsequent recommendation of approval. However, no matters alter my view that the proposal would be harmful to the character and appearance of the area and would result in unacceptable living conditions for future residents. It would not be in accord with policy PS 2 of the LDP and its associated SPG or conform with the primary objective of Planning Policy Wales to ensure the delivery of sustainable development and improve the social, economic, environmental and cultural well-being of Wales. For the reasons above I dismiss the appeal.
25. In reaching this 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 accord with the Act's sustainable development principle through its contribution towards the Welsh Minister's well-being objectives of building healthier communities and better environments and promoting good health and well-being for everyone.

Vicki Hirst

INSPECTOR