

Report of the Head of Planning and City Regeneration

Planning Committee – 7 February 2017

PLANNING APPEAL DECISION ITEM REPORT

PLANNING APPLICATION REF: 2016/1268

PLANNING APPEAL REF: APP/B6855/A/16/3157365

Side extension and alterations to roof of existing commercial premises Former Century Works At Frederick Place, Llansamlet

1.0 Background

1.1 Planning permission was granted for a two storey side extension and roof alterations at the premises on 19th October 2015 (ref: 2015/0915). The applicant subsequently commenced the development prior to discharging the relevant conditions and constructed a larger extension on the same footprint as that previously approved. Several residents contacted the Council which resulted in an enforcement investigation and subsequently the submission of this retrospective application.

1.1 The application, seeking planning permission for the erection of a side extension and alterations to roof of existing commercial premises, was validated by the Council on 23rd June 2016. The application was recommended for approval subject to conditions by officers, although given there was a call in request, and receipt of a petition in excess of 30 signatures, it was required to be reported to the 2nd August 2016 Planning Committee for decision.

1.2 At the committee meeting Members did not accept the officer recommendation citing concerns relating to the impact of the proposal on residential amenity and visual amenity.

1.3 The application was refused by the Council for the following reasons by decision notice dated 11th August 2016:

1. The proposal, by virtue of its scale, massing and design in close proximity to the rear of properties on Peniel Green Road would have a significant detrimental impact on the residential amenity of the occupiers of the those properties. The proposal is therefore contrary to Policies EV1 and EC3 of the Adopted City and County of Swansea Unitary Development Plan (2008).

2. The proposal, by virtue of its scale and design would have a detrimental impact on the character of the host building and the surrounding area, to the detriment of the visual amenities of the area. The proposal is therefore contrary to Policies EV1 and EC3 of the Adopted City and County of Swansea Unitary Development Plan (2008).

2.0 Planning Appeal

2.1 Following the decision of the Council to refuse planning permission for the proposal the applicant appealed to the Planning Inspectorate ('PINS') which was lodged as a valid appeal on 21st September 2016.

2.2 The appeal was considered by an independent Planning Inspector appointed by the Welsh Ministers and was allowed on 10th January 2017. A copy of the appeal decision is appended to this report.

- 2.3 To summarise the issues the inspector considered that the appeal raised two main issues and these were considered to be:
- The living conditions of neighbouring occupants; and
 - The character and appearance of the area

The living conditions of neighbouring occupants

- 3.4 The Inspector noted that Nos 244 and 246 Peniel Green Road lie closer to the development than other properties and lack visual screening. However, the Inspector considered that the northern elevation of the extension was some distance from the dwellings and the pitched roof form of the extension significantly offsets its scale and bulk. The Inspector considered the distances are sufficient to avoid significant overbearing on the adjacent properties or a material reduction in sunlight or daylight. It was further considered that there would be no actual overlooking from four high level windows and any perception of overlooking could be overcome by a condition requiring obscure glazing.
- 3.5 In order to prevent the use of the extended building impacting on residential amenity, the Inspector imposed a condition restricting hours of operation. In addition, conditions were attached requiring details of any external lighting and CCTV to be agreed with the Local Planning Authority.
- 3.6 The Inspector concluded on this issue that, subject to conditions, the development accords with the objective of UDP Policies EV1 and EC3.

The character and appearance of the area

- 3.7 The inspector noted that whilst predominantly residential in character, the immediate area has a varied appearance and the light industrial buildings of the appeal site sit within this varied context. In nearby views from Frederick Place the comparatively low level of the appeal site reduces the prominence of the existing structures. Viewed from the south and west, the two storey pitched roof element further screens the partially-completed side extension and, similarly, would conceal views of the proposed raised roof of the rear manufacturing wing. Whilst the side extension is readily visible from near to the road junction, and glimpsed views can be obtained from Peniel Green Road, its height and form is not dissimilar to other buildings nearby. The appeal scheme would therefore not unacceptably increase the visual prominence of the site and would accord with the design objectives of UDP policies EV1 and EC3 and reflect the guidance in TAN 12.

4.0 Consideration of the issues

- 4.1 Each planning application must be considered on its own merits having regard to the development plan; however, relevant appeal decisions can be material considerations and can therefore be given weight in the determination of individual planning applications.
- 4.2 The decision indicates that where conditions can make a development acceptable, an application should be approved with the necessary conditions attached. Members should be aware that when an application is determined at an appeal, an Inspector may take a more lenient view than the Local Planning Authority and conditions may not be as restrictive as considered necessary. In this case, the condition in relation to hours of operation allows a greater degree of use than the condition that was attached to the original planning application for the site.

The original condition stated that no machinery could be operated, no process carried out and no deliveries taken at or dispatched from the site outside the hours of 08.00 hours to 18.00 hours weekdays and 08.00 to 12.00 hours on Saturdays, and these activities could not take place on Sundays, Bank or Public Holidays. The new condition, whilst reducing the hours the extension could be used on weekdays, does not prevent use on Saturday afternoons, Sundays, Bank or Public Holidays.

5.0 Recommendation

5.1 The appeal decision be noted.

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<i>Date of</i>	<i>27th January 2017</i>	<i>Document Name:</i>	<i>Appeal Report – Century</i>
<i>Production:</i>			<i>Works</i>