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## Penderfyniad ar yr Apêl

Ymweliad â safle a wnaed ar 04/01/17

gan Paul Selby BEng (Hons) MSc  
MRTPI

Arolygydd a benodir gan Weinidogion Cymru  
Dyddiad: 10.01.2017

## Appeal Decision

Site visit made on 04/01/17

by Paul Selby BEng (Hons) MSc MRTPI

an Inspector appointed by the Welsh Ministers  
Date: 10.01.2017

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**Appeal Ref: APP/B6855/A/16/3157365**

**Site address: Works, Frederick Place, Llansamlet, Swansea SA7 9RY**

**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 Lakeside Window Systems Ltd against the decision of City and County of Swansea Council.
  - The application Ref 2016/1268, dated 17 June 2016, was refused by notice dated 11 August 2016.
  - The development is Side extension and alterations to roof of existing commercial premises.
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### Decision

1. The appeal is allowed and planning permission is granted for Side extension and alterations to roof of existing commercial premises at Works, Frederick Place, Llansamlet, Swansea SA7 9RY, in accordance with the terms of the application, Ref 2016/1268, dated 17 June 2016, subject to the conditions set out in the schedule to this decision letter.

### Procedural Matters

2. The development has been partially completed. Notwithstanding the description of development given in the planning application, I have considered the appeal on the basis that it seeks retrospective planning permission for Side extension and alterations to roof of existing commercial premises.
3. Based on the submitted materials and from what I saw on my site visit it is clear that the existing building has been vacant for some time. It is nevertheless common ground that the existing lawful use on the site appears to be for light industrial and storage purposes under Use Classes B1 and B8.

### Main Issues

4. The main issues are the effect of the development on: a) the living conditions of neighbouring occupants, with particular regard to overlooking, overbearing and overshadowing; and b) the character and appearance of the area.
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## Reasons

5. The appeal relates to land fronting Frederick Place, from which vehicular access is obtained, and situated north of the railway line and Llansamlet railway station and to the rear of properties on Peniel Green Road. The site accommodates a vacant light industrial building complex comprising two and single storey pitched roofed structures and more recent flat roofed insertions. A newly built extension lies partially completed within a side courtyard. Block walls of varying height mark the northern boundary of the site, beyond which lie mature trees and shrubs within the neighbouring gardens.

### *Living conditions*

6. Whilst the partially-completed side extension has been constructed as per the submitted details of the appeal scheme, the footprint is the same as that already permitted under planning permission ref: 2015/0915. The appeal scheme would increase the eaves height of the permitted side extension by around 1 metre and would feature high-level windows in the northern and southern elevations. Four of these windows would face onto the side courtyard and across the site boundary towards the residential properties on Peniel Green Road.
7. The dwellings to the east of the adjacent substation are some distance from the side extension and largely screened by mature trees and shrubs. However, Nos 244 and 246 Peniel Green Road lie closer to the side extension on land slightly lower than the appeal site, and lack visual screening. Nevertheless, I saw that the northern elevation of the extension lies some distance from the neighbouring dwellings. Despite the increased eaves and ridge height, the pitched roof form significantly offsets its scale and bulk when viewed from the north. Whilst the extension is somewhat higher and wider than other nearby residential buildings, and its location to the south of the neighbouring dwellings would be likely to result in some overshadowing following completion, the distances are sufficient to avoid significant overbearing on the adjacent properties or a material reduction in the amount of sunlight or daylight within the gardens when compared to the permitted scheme.
8. Views between habitable room windows in the adjacent dwellings and the four north-facing windows in the side extension would be possible. However, given that the sills of the four high level windows would be substantially above floor level, there would be no actual overlooking, and any perception of overlooking would be adequately mitigated by a condition requiring the installation of obscure glazing.
9. The necessity of these high-level windows has been questioned by some. From what I saw on my site visit the windows would increase the amount of light internally and thus assist in maximising the operational use of the building. Whilst I do not dispute that rooflights may achieve similar, I must determine the scheme on the basis of the submitted plans. Given the eaves height and position of the windows in both elevations, opportunities to insert a mezzanine floor would be substantially limited, but even were the building to be modified internally, obscure glazed and non-openable windows would secure an appropriate level of privacy for adjacent residents.
10. Concerns have been raised regarding the potential impacts of a manufacturing operation on the living conditions of neighbours, in particular in relation to potential noise and disturbance, but also from security measures including floodlighting and CCTV. Whilst the appeal scheme would result in only a modest increase in the volume of the already permitted buildings on the site, and no increase in floorspace, the use of the extended building during the early morning or into the late evening would have

the potential to affect the living conditions of nearby residents. A condition restricting the hours of operation of the use would, however, satisfactorily mitigate any harmful impacts in this regard. Whilst the security of the site would be improved by it being brought back into use, due to the increased height of the side extension and in the interests of protecting the living conditions of neighbouring residents I consider it necessary to impose a condition requiring the location of external lighting and CCTV to be agreed with the local planning authority.

11. For these reasons, subject to the conditions referred to above I conclude that the appeal development would accord with the design and amenity objectives of policies EV1 and EC3 of the Swansea Unitary Development Plan (UDP).

#### *Character and appearance*

12. Whilst predominantly residential in character, the immediate area has a varied appearance, featuring a range of types and styles of houses interspersed with other buildings of various heights, materials and forms. The light industrial buildings of the appeal site sit within this varied context, within the confines of the railway cutting.
13. At the site frontage, Frederick Place rises towards the south on a concrete embankment prior to crossing the railway line. 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.
14. Furthermore, the pitched roof of the side extension, whilst around 2 metres higher to the ridge than the permitted monopitch roof, more appropriately reflects the form of the older structures on the appeal site and the architectural styles of the immediate locality. Consequently, despite the increased height, the appeal scheme would represent an improvement in the coherence of the light industrial complex as a whole and would better reflect the prevailing context. For these reasons I conclude that the appeal development would accord with the design objectives of UDP policies EV1 and EC3, and would reflect the guidance set out in Technical Advice Note 12 – Design.

#### **Other Matters**

15. Concerns have been raised regarding the potential traffic generation arising from the appeal scheme and related impacts on highway and pedestrian safety, with anecdotal evidence of accidents near to the junction of Peniel Green Road and Frederick Place being cited. I saw on my site visit that Peniel Green Road accommodates a high volume of traffic, and the presence of bus stops, a railway station and community facilities in the area generates a reasonable amount of pedestrian traffic. Traffic lights, however, assist in the safe movement of vehicles and pedestrians at the intersection with Frederick Place. Despite the close proximity of the appeal site access to the junction, there is good visibility into, and for, oncoming traffic, and adequate space within the site for delivery and service vehicles to manoeuvre and turn. Double yellow lines outside the site would assist in deterring ad-hoc parking on the street arising from the use of the appeal development. The Highways Authority has not raised any objections and, subject to an appropriate condition to secure staff and visitor parking

and adequate space for delivery and service vehicles, I also consider that the increased volume of the buildings for mixed B1/B8 use would not materially affect the safety of pedestrians and highway users. Whilst I note the concerns of residents that the building could host a showroom for products manufactured on the site, anything beyond an ancillary use would require planning permission.

16. Measures to deal with surface water run-off are indicated on the submitted plans. I note that the statutory bodies have not raised any objections in this regard, but a previous condition requiring details of drainage to be agreed with the Council was not discharged prior to construction commencing. Subject to securing the sustainable drainage of the site via a condition, I consider the appeal scheme to be acceptable.
17. As the already-constructed and proposed extensions represent a relatively minor change to the existing buildings on the site, I consider that the appeal scheme would not result in any unacceptable impacts on species or natural habits.
18. A railway tunnel runs beneath the site and there are mineworks in the vicinity, but I note that no objections have been raised by the statutory bodies in this regard, with the Coal Authority indicating that it is satisfied with the conclusions of the Site Investigation Report. Whilst I do not dispute that the site accommodates steep changes in ground levels at its periphery and that the culvert may funnel winds, from what I saw on site there did not appear to be any overriding reasons why the extensions could not be completed satisfactorily and safely. In any event, structural details, including foundations, would be subject to Building Regulations.
19. Concerns have been raised in relation to airborne pollution and potential fire risks, but detailed matters concerning the use or handling of pollutants and harmful substances such as asbestos are covered by separate legislation and I afford them limited weight. I note the reference to a potential boundary dispute, but that is a private matter and I have not had regard to it. Similarly, I have not afforded weight to potential effects on property values as that is not a relevant planning consideration. Comments have also been made regarding the blocking up of a public right of way but that is subject to separate legislation and is not before me.
20. I understand the concerns of local residents regarding the construction of an extension for which there was no planning permission. Nevertheless, the appellant is able to make a retrospective application to regularise the breach of planning control. From what I saw on site, it appeared to me that the dimensions and siting of the half-built extension reflected the drawings, but irrespective of this I have based my decision on the details set out in the submitted plans and the merits of the scheme.
21. I have considered the duty to improve the economic, social, environmental and cultural well-being of Wales, in accordance with the sustainable development principle, under section 3 of the Well-Being of Future Generations (Wales) Act 2015 (the WCFG Act). In reaching my decision, I have taken into account the ways of working set out at section 5 of the WCFG Act and I consider that this decision is in accordance with the sustainable development principle through its contribution towards one or more of the Welsh Ministers' well-being objectives set out in section 8 of the WCFG Act.

### **Conditions**

22. Other than the standard plans condition, which is necessary in the interests of proper planning, other conditions have been suggested to which I have had regard.

23. A condition requiring the installation of obscure glazed, unopenable high level windows within the northern elevation is necessary to avoid perceived overlooking and adequately protect the privacy of neighbouring residents. Also in the interests of the residential amenity, conditions are necessary to limit the hours of operation of the use, and to secure floodlighting and CCTV according to pre-agreed details.
24. A condition requiring the use of matching materials in the external surfaces of the permitted buildings is necessary in the interests of the character and appearance of the area. To ensure an adequate standard of highway and pedestrian safety, I have imposed a condition to provide and maintain manoeuvring space for vehicles and an appropriate level of visitor and staff car parking in accordance with the submitted plans. In order to secure acceptable site drainage, it is necessary to impose a condition requiring the submission of details of a sustainable drainage scheme and/or other measures to deal with surface water and land drainage, with tests for the proposed soakaway carried out in accordance with recognised standards.

### **Conclusion**

25. For the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be allowed.

*Paul Selby*

INSPECTOR

### **SCHEDULE OF CONDITIONS**

- 1) The development shall be carried out in accordance with the following approved plans and documents: Site Location Plan; Proposed Layout; Front Parking Area; Rear Parking and Turning Area; Proposed Ground Floor Extension; Proposed Front Elevation; Proposed Rear Elevation; Proposed Side Station; Proposed Side Courtyard; Proposed Site Station Side.
- 2) Prior to the first beneficial use of the extension hereby permitted, the top row of windows on the northern elevation (facing the courtyard) shall be fitted with obscure glazing and shall be unopenable, and shall be retained as such for the lifetime of the development.
- 3) The use shall not be carried out outside the hours of 08:00 to 16:30.
- 4) Prior to the first beneficial use of the extension hereby permitted, details of locations for CCTV cameras and security lighting shall be submitted to and approved in writing by the local planning authority, and retained as approved thereafter.
- 5) The materials to be used in the construction of the external surfaces of the extension shall match those used in the existing building.
- 6) Prior to the first beneficial use of the development hereby permitted, space shall be laid out within the site in accordance with drawings 'Front Parking Area' and 'Rear Parking and Turning Area' for cars to be parked, for the loading and unloading of vehicles, and for vehicles to turn so that they may enter and leave

the site in forward gear, and shall thereafter be kept available for such purposes for the lifetime of the development.

- 7) Prior to the first beneficial use of the development hereby permitted, full details of a scheme for the comprehensive and integrated drainage of the site showing how surface water and land drainage will be dealt with shall be submitted to and approved in writing by the local planning authority. This scheme shall include details of a sustainable drainage system for surface water drainage and/or details of any connections to a surface water drainage network. Details should include the results of soakaway tests carried out in strict accordance with BRE Digest 365 or the equivalent CIRIA document. The development shall not be brought into beneficial use until the works have been completed in accordance with the approved drainage scheme, and this scheme shall be retained and maintained as approved thereafter.