



Penderfyniad ar yr Apêl

Ymweliad â safle a wnaed ar 07/09/21

**gan J P Tudor BA (Hons), Cyfreithiwr
(ddim yn ymarfer)**

**Arolygydd a benodir gan Weinidogion
Cymru**

Dyddiad: 11.10.2021

Appeal Decision

Site visit made on 07/09/21

**by J P Tudor BA (Hons), Solicitor (non-
practising)**

**an Inspector appointed by the Welsh
Ministers**

Date: 11.10.2021

Appeal Ref: APP/U6925/A/21/3277092

Site address: Land at Former Windsor Cottages adjacent to Aberfan Social Democratic Club, Angus Street, Aberfan, Merthyr Tydfil CF48 4QQ

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 Mr Michael Randall against the decision of Merthyr Tydfil County Borough Council.
 - The application Ref: P/21/0106, dated 28 March 2021, was refused by notice dated 14 May 2021.
 - The development proposed is a detached dwelling.
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Decision

1. The appeal is allowed and planning permission is granted for a detached dwelling at Land at Former Windsor Cottages adjacent to Aberfan Social Democratic Club, Angus Street, Aberfan, Merthyr Tydfil CF48 4QQ in accordance with the terms of the application, Ref: P/21/0106, dated 28 March 2021, subject to the conditions in the attached schedule.

Main Issue

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

Reasons

3. The appeal site comprises a parcel of land located on the corner of Aberfan Road and Angus Street in a predominantly residential area. Much of the housing in the vicinity is terraced, with variations in design and appearance, but there are also semi-detached dwellings and occasional detached houses, including on the corner of Pantglas Road, along with dormer bungalows on Hillside Close. The former Mack Hotel, a substantial 3-storey red-brick building, stands on the corner opposite the appeal site, while there is a
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large, yellow-brick community centre to the west. Therefore, the character and appearance of the area is varied.

4. It is submitted by the Council that the design of the proposed dwelling would fail to integrate effectively with the existing street scene. That is based on concerns about the 'set back' of the house behind the established building line of the terrace to the north-east, roof gable features, fenestration and boundary treatments.
5. With regard to the 'set back', the proposal is for a detached house and, therefore, it is not necessary for it to present itself as if it were a continuation of the existing adjacent terrace. Moreover, while the new house would face towards Aberfan Road, there would be a reasonable separation distance between it and the terrace to the north-east. Similarly, it would be separated from the terrace along Angus Street. Given the land rises up Aberfan Road towards the plot, the scale and height of the new house would be relatively restrained. Within that context, the proposed set back behind the existing building line would not appear discordant.
6. Furthermore, as the façade of the terrace to the north-east immediately abuts the footway and road, the set back of the proposed dwelling would reduce its prominence on the corner and limit its effect on the street scene. It is also relevant that the dwellings within the short terrace opposite the appeal site are set back behind long front gardens, while houses on Angus Street and further to the south-west along Aberfan Road are also set back to varying degrees. Therefore, dwellings set back from the road are not uncommon in the area. In this case, the set back would additionally ensure that any interruption of views from the north towards the attractive former Mack Hotel would be limited.
7. The front and rear roof planes of the dwelling would incorporate gabled dormer windows. Although such gabled dormers do not appear in the adjacent terraces, gabled windows above eaves and other gabled elements do feature at the former Mack Hotel on the corner opposite the site and in other houses along Aberfan Road. Furthermore, the gabled dormers within the façade would be echo the pitched roof of the porch and go towards helping to limit the scale and height of the house to a level similar to adjacent housing. Overall therefore, those design features would not be out of keeping with the area or cause harm, especially given the generous plot size and separation distances from the adjacent houses. Similarly, while the size and shape of the proposed window openings may not be in exact symmetry with each other, the differences would be minor and not likely to draw the eye.
8. Concern has also been expressed by the Council that the proposed intended 1.8m brick wall with timber infill panels proposed for the southern boundary would appear out of character with the area. While the height of the proposed boundary treatment is reasonable to provide privacy for users of the rear garden, timber does not appear to be commonly used in publicly visible boundary treatments in the area and could appear incongruous. However, I am satisfied the matter could be addressed by means of a suitably worded condition, requiring details of the boundary treatment to be submitted to the Council for approval.
9. Therefore, while I have considered the Council's concerns, it seems to me that the proposed design responds reasonably to surrounding built forms, while taking account of the constraints of the site and the topography of the area.
10. Overall, I conclude that the proposed development would not have an adverse effect on the character and appearance of the area. Rather, it would successfully integrate with the street scene. It follows that the proposal would comply with policy SW11 of the Merthyr

Tydfil County Borough Council Replacement Local Development Plan (2016-2031) (LDP)¹ which, amongst other things, seeks to ensure that development is appropriate to its local context, integrates effectively and enhances the general street scene.

Conditions

11. The Council has suggested conditions in the event that the appeal were allowed, which I have considered, making minor amendments if necessary having regard to the advice contained in Welsh Government Circular 016/2014: *The Use of Planning Conditions for Development Management* (October 2014). The Council suggested a condition relating to enclosure of the northern boundary. Given my comments above, I have amended that condition so that it also incorporates approval of details of the southern boundary treatment. I have altered the 'plans condition' accordingly.

Conclusion

12. The proposed development would develop a currently vacant site within a settlement identified for growth within the LDP and make a contribution, albeit limited, towards the supply of housing. That also weighs in its favour, particularly given that I have found that the scheme would not materially harm the character and appearance of the area.
13. For the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be allowed.
14. 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 ('the Act'). I consider that this decision is in accord with the Act's sustainable development principle through its contribution towards one or more of the Welsh Minister's well-being objectives as required by section 8 of the Act.

JP Tudor

INSPECTOR

Schedule of Conditions

- 1) The development shall begin not later than five years from the date of this decision.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990.

- 2) The development shall be carried out in accordance with the following approved plans: Drawing Nos MR/2020/SLPa, MR/2020/PL/002a, MR/2020/PL/001, MR/2020/PL/003b and MR/2020/PL/004 except insofar as the varied by other conditions attached to this permission.

Reason: To ensure that the development is carried out in accordance with the approved plans.

- 3) Prior to the construction of the dwelling hereby approved samples of the materials to be used in the construction of the external surfaces of the dwelling shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

¹ Adopted 29 January 2020

Reason: To ensure that the development hereby permitted does not have a detrimental effect on the character and appearance of the area and in accordance with Policy SW11 of the Merthyr Tydfil County Borough Council Replacement Local Development Plan (2016-2031).

- 4) No development shall commence until details of existing ground levels and proposed finished ground and floor levels (including relevant sections) have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

Reason: To protect the character and appearance of the area and the living conditions of neighbouring residents and in accordance with Policy SW11 of the Merthyr Tydfil County Borough Council Replacement Local Development Plan (2016-2031).

- 5) No development shall take place until details, including structural calculations and facing materials, of any retaining wall which exceeds 1 metre in height have been submitted to and approved in writing by the local planning authority. The walls shall be completed in accordance with the approved details before the development hereby approved is brought into beneficial use.

Reason: In the interests of safety and to protect the character and appearance of the area in accordance with Policy SW11 of the Merthyr Tydfil County Borough Council Replacement Local Development Plan (2016-2031).

- 6) Prior to the occupation of the dwelling hereby approved, boundary enclosures shall be erected along the northern and southern boundaries of the site, details of which, including the positions, height, design, materials and type of boundary treatment to be erected, shall first be submitted to and approved in writing by the local planning authority. The boundary treatments shall be implemented in accordance with the approved details before the dwelling is occupied and retained for the lifetime of the development.

Reason: To protect the living conditions of neighbouring residents and the character and appearance of the area in accordance with Policy SW11 of the Merthyr Tydfil County Borough Council Replacement Local Development Plan (2016-2031).

- 7) Prior to works commencing on site, a Reptile Mitigation Strategy shall be submitted to and approved in writing by the local planning authority. The approved scheme shall be implemented in accordance with the approved details.

Reason: In the interests of ecology and in accordance with Policy EnW1 of the Merthyr Tydfil County Borough Council Replacement Local Development Plan (2016-2031).

- 8) Prior to works commencing on site, details for the provision of a bat box and bird box together with details of their location within the site, shall be submitted to and approved in writing by the local planning authority. The bat and bird boxes shall be installed in accordance with the approved details before the occupation of the dwelling.

Reason: To provide biodiversity and environmental enhancements in accordance with Policy EnW1 of the Merthyr Tydfil County Borough Council Replacement Local Development Plan (2016-2031).

- 9) Demolition or construction works shall not take place outside the hours of 0800 to 1800 Mondays to Fridays and 0900 to 1400 on Saturdays and at no time on Sundays or Public Holidays.

Reason: To safeguard the living conditions of local residents and in accordance with Policies SW11 and EnW4 of the Merthyr Tydfil County Borough Council Replacement Local Development Plan (2016-2031).

10) No surface water and/or land drainage shall be allowed to connect directly or indirectly with the public sewerage network.

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.

11) Notwithstanding the provisions of schedule 2, Part 1, Class B of the Town and Country Planning (General Permitted Development) Order 1995 (as amended for Wales) (or any order revoking and re-enacting that order with or without modification), no additions or alterations shall be carried out to the roof of the dwelling other than those expressly authorised by this permission.

Reason: To protect the character and appearance of the area and in accordance with Policy SW11 of the Merthyr Tydfil County Borough Council Replacement Local Development Plan (2016-2031).

End of Schedule