
Penderfyniad ar yr Apêl

Ymweliad â safle a wnaed ar 29/06/20

gan Nicola Gulley MA MRTPI

**Arolygydd a benodir gan Weinidogion
Cymru**

Dyddiad: 21.07.2020

Appeal Decision

Site visit made on 29/06/20

by Nicola Gulley MA MRTPI

an Inspector appointed by the Welsh Ministers

Date: 21.07.2020

Appeal Ref: APP/U6925/D/20/3248108

**Site address: 2 Taff Fawr Close, Pontycapel Road, Cefn Coed, Merthyr Tydfil
CF48 2RF**

**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 Ali Uygun against the decision of Merthyr Tydfil County Borough Council.
 - The application ref P/19/0328, dated 3 December 2019, refused by notice dated 4 February 2020.
 - The development proposed is the erection of a timber fence.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The proposed fence has already been erected and as such 'retrospective planning permission' is sought under Section 73 A (2)(a).

Main Issue

3. The main issue is the impact the proposed development would have on the living conditions of the occupiers of 37a Pontycapel Road by virtue of loss of outlook, light and being oppressive and overbearing.

Reasons

4. The site comprises a modern detached dwelling, set in a large garden curtilage, and accessed via a wide driveway leading from Taff Fawr Close. Topographically the area surrounding the site slopes steeply down from Porthcaple Road towards Taff Fawr Close and the woodland beyond. As a consequence, the dwellings to the rear of the appeal property, which includes 37a Pontycapel Road, are set at a much higher ground level. The boundary between the appeal property and No. 37a, is formed by a combination of the rear elevation of the neighbouring properties garage and a high block wall topped with low metal railings. At the time of my site visit the proposed rear fence had been erected.
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5. Policy SW11 of the Adopted Merthyr Tydfil Replacement Local Development Plan (LDP) (2020) requires, amongst other things, that the height, scale and materials of proposals respect the local context and that new development would not result in an unacceptable impact on local amenity by virtue of loss of light or privacy. Additional guidance is contained in the adopted Design Guide for Householder Development Supplementary Planning Guidance (2015) (SPG) which requires careful consideration to be given to the siting and design of boundary fences in order to minimise any intrusive or overshadowing impacts on neighbouring land.
6. The development proposes the construction of a timber fence along approximately two thirds of the rear boundary between the appeal property and 37a Pontycapel Road. The fence, which would be sited in front of the existing railings, would be elevated by large timber posts and would, at its highest point, be some 2.3 metres above the ground level of No. 37a and 4.7 metres above the ground level of the appeal property.
7. The appellant contends that the proposed fence is necessary to afford privacy to the rear garden area of the appeal property and would not be overbearing or oppressive when viewed from No. 37a. Whilst I note the appellants comments, in my view the location of the railings, some distance away from the private rear garden area of the appeal property and adjacent to the existing driveway,, would ensure that the occupiers of the neighbouring property would not be afforded direct views into the private rear garden area of the appeal property. With regard to the proposal, I consider that the siting of the fence, immediately adjacent to the existing railings, and its height, when measured from the ground level of the neighbouring property, would result in an overbearing and oppressive form of development when viewed from the modest rear garden area of No. 37a and have an adverse impact on the outlook and light afforded to that property. As such the proposal would be contrary to the objectives of Policy SW11 of the LDP and the adopted SPG.
8. In support of the proposal the appellant has drawn my attention to the provisions of the Town and Country Planning (General Permitted Development) Order 1995, which it is suggested would allow for the construction of buildings that would have a greater impact on the local amenity than that proposed. The provisions of this Order do not however, relate to the development of structures of the height of the proposed fence and are therefore not relevant to this appeal.

Conclusions

9. 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 objective of supporting safe, cohesive and resilient communities.
10. I have also had regard to all the matters raised in support of the scheme. However, none of these factors are sufficient to alter my overall conclusions that the proposed development would have a harmful impact on the living conditions of the occupiers of 37a Pontycapel Road.
11. For the reasons given above, I conclude that the appeal should be dismissed.

Nicola Gulley

INSPECTOR