



Appeal Decision

by Clive Sproule BSc MSc MSc MRTPI MEnvSci CEnv

an Inspector appointed by the Welsh Ministers

Decision date: 17/03/2023

Appeal reference: CAS-01937-Z3C8L1

Site address: Bryntaf Garage, Bryntaf, Aberfan, Merthyr Tydfil CF48 4PJ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for outline planning permission.
 - The appeal is made by Mr A Lockley against Merthyr Tydfil County Borough Council.
 - The application Ref P/21/0170 is dated 20/10/2020.
 - The development proposed is demolition of industrial buildings and erection of 14 dwellings and 6 apartments.
 - A site visit was made on 29/11/2022.
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Decision

1. The appeal is dismissed and planning permission is refused.

Procedural Matters

2. The application was made in outline with matters regarding access and layout proposed at this stage, and those in relation to scale, appearance and landscaping reserved for determination at a later date. Where scale is a reserved matter, Article 3(4) of *The Town and Country Planning (Development Management Procedure) (Wales) Order 2012* (Statutory Instrument 2012 No.801) ("DMPWO") requires an application to state the upper and lower limit for the height, width and length of each building included in the development proposal. The Council Officer's report on the application notes the "indicative parameters" provided for the appeal scheme. Also, dimensions are shown on the application drawing nos.:

- A201 Rev D – *Floor Plans Apartments* & A202 Rev B - *Proposed Elevations*;
- A201 – *Floor Plans HT 1* & A202 Rev A - *Proposed Elevations*; and,
- A203 Rev D – *Floor Plans HT2* & A204 Rev B - *Proposed Elevations HT2*.

These parameters and drawing dimensions inform this decision for the purposes of Article 3(4) of the DMPWO.

Main Issues

3. These are the effect of the proposed development on: a) the character and appearance of the locality; and b) the living conditions of local residents in regard to privacy.

Reasons

Character and appearance

4. Existing development in this part of Aberfan is, for the most part, housing built on the slopes of the valley side as it rises up from the River Taff. Currently, the appeal site is used for commercial purposes with an open yard area in the central part of the site, and buildings to the rear that have a former quarry face behind them. A detached house with a garden sits on one side of the site access, and on the other side there appears to be a mound of soils, or other “made ground”. The remainder of the yard area on the appeal site appears to be slightly above street level.
5. Drawing no. A100 – *Site Layout* provides the site layout for determination at this stage. It would be a compact housing layout that would reflect the terraces in this part of Aberfan, while responding to the shape of the appeal site and making efficient use of the developable area within it.
6. Through its provision of off-street car parking, the proposed development will contrast with the historic terraces on and around Bryntaf, which were not designed to provide off-street car parking. However, the car parking layout within the site would be necessary for the development proposed, and would be appropriate for the type of contemporary housing proposed. A parking area shown between plot 1 and Bryntaf would replace an existing yard area and land that could provide parking spaces. It also would be next to an existing single storey row of garages. For these reasons, the proposed parking layout would have an acceptable effect on the character and appearance of the street scene.
7. The parameters and dimensions shown on the drawings for the appeal proposal would result in tall buildings that would be approximately 11-13m in height. The *Site Layout* plan shows the two storey terrace of houses to the north of the appeal site to be on land that is approximately 2.2 metres above street level, which places the eaves approximately 8.5m above street level. As such, the roof level of this elevated terrace to the north would reflect the height of buildings within the parameters / dimensions provided for the outline appeal proposal. In views of the appeal proposal, including those from the nearby cemetery, the development likely would be seen as being taller, but broadly comparable in height to the existing elevated terrace.
8. However, Springfield House stands between the elevated northern terrace and the site entrance. At its core, Springfield House is a two storey dwelling that has single storey pitched roof elements on either side of it, and it occupies land that is close to the level of the street. The row of single storey garages to the south of the appeal site is at street level, and then there is an elevated two storey terrace on ground that the *Site Layout* plan indicates to be around 1.5m above street level, with eaves at approximately 8m.
9. The terraces to the north and south of the appeal site would provide a context for the taller buildings at the rear of the appeal site, as would the quarry face behind them. In contrast, Springfield House and the row of garages on either side of the site entrance would cause the tall buildings in the proposed terrace closest to the site entrance to be conspicuously divergent from the character and appearance of the Bryntaf street scene. The departure that would result from development within the proposed parameters would be so significant that it would be unacceptably harmful to the character and appearance of the locality and conflicts with the Council’s Replacement Local Development Plan (2016-2031) (“RLDP”) Policy SW11 criterion 1.

Living conditions

10. Residential buildings on the appeal site would have the potential to increase levels of overlooking toward the windows, doors and amenity spaces of the existing dwellings

around the appeal site. The parameters and dimensions supplied indicate such overlooking could be greater than otherwise occurs in this residential environment due to the intended height(s) of the proposed buildings.

11. Springfield House would be the closest dwelling to the proposed development. It would have adequate separation from the dwellings along the rear of the appeal site, along with a garden area which rises in level toward the rear of its plot and existing boundary planting that could reduce the level of overlooking from the rear of the appeal site. However, given the proposed site layout and building parameters for consideration at this outline stage, it is likely that the block of proposed houses closest to the site entrance would have principal windows in its northern and southern elevations.
12. Due to the proposed height of the terrace closest to the site entrance, and its proximity to the rear amenity space of Springfield House, it is apparent that the rear amenity space of Springfield House would be subject to intrusive levels of overlooking from these proposed houses. A number of window and door openings in Springfield House would also be overlooked. Therefore, whilst the design and location of window and door openings in the proposed development have yet to be confirmed, I am satisfied that details determined at the reserved matters stage would be unlikely to prevent unacceptably harmful levels of overlooking occurring from the proposed terrace closest to the site entrance, which conflicts with RLDP Policy SW11 criterion 3.

Other Matters

13. The appeal scheme would utilise the existing site entrance from Bryntaf to create the access into the proposed housing. Given the nature of the residential street along Bryntaf, the traffic flows along it, and the visibility splays that would be available in both directions from the proposed access, the evidence in this case confirms that the appeal scheme would provide a safe and appropriate entrance into the development proposed. As such, the appeal scheme complies with RLDP Policy SW11 criterion 5.
14. The appeal scheme would provide additional dwellings in an existing residential area, within a settlement that RLDP Policy SW4 identifies as an "Other Growth Area", and it would utilise previously developed land. These matters provide moderate weight in favour of the proposal.

Conclusion

15. All matters raised in this case have been taken into account and none, including the scope of possible planning conditions, have been found to outweigh the identified harm and resulting conflict with development plan policy. Accordingly, the appeal should be dismissed.
16. 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 making our cities, towns and villages even better places in which to live and work.

Clive Sproule

INSPECTOR