



Appeal Decision

by Victoria Robinson BSc (Hons) DipTP MRTPI

an Inspector appointed by the Welsh Ministers

Decision date: 16/11/2023

Appeal reference: CAS-02674-P2H8Y4

Site address: Land Opposite Brynteg, Stable Yard, Dowlais, Merthyr Tydfil, CF48 3LG.

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Ms Susan Jones against the decision of Merthyr Tydfil County Borough Council.
 - The application Ref P/21/0168, dated 8 April 2022, was refused by notice dated 14 October 2022.
 - The development proposed is described as a new house with off street parking.
 - A site visit was made on 7 September 2023.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The description of development is an abridged wording taken from the application form which accurately describes the development proposed.
3. The application is made in outline with landscaping, layout, appearance and scale reserved for future consideration. Approval of the access is sought, which is proposed via an existing driveway that serves a number of dwellings. Indicative details of scale and layout have been provided which inform my analysis of the likely impacts of the proposed dwelling.
4. The Council's report and reason for refusal refers to adverse impacts on adjoining dwellings in Stables Court. The adjoining street is marked on the submitted Location Map plan as 'Church Row'. However, correspondence from interested parties would indicate that these properties are known as 'Stables Court' and any references to them herein should be taken to mean the houses adjoining the southwest boundary of the appeal site.

Main Issues

5. The main issues are:
 - Whether the proposal would preserve or enhance the character or appearance of the Dowlais Conservation Area and setting of nearby listed buildings; and

- The effect of the proposed development on the living conditions of neighbouring properties in Stables Court specifically with regard to outlook and overshadowing.

Reasons

Character and appearance

6. The site is within the Dowlais Conservation Area which incorporates the wider Grade II Listed Dowlais Works Stables and yard complex including the Grade II listed Stables House to the northeast of the appeal site. The Conservation Area comprises a network of attractive and imposing Georgian and Victorian buildings surrounded by suburban housing. The Dowlais Works Stables is a historic building that related to the previous ironworks industry which dominated the area. The Stables have been converted to flats and the feel of the area is largely residential, and suburban in character, albeit the industrial heritage is still apparent in the architecture of the listed buildings and their layout.
7. Policy SW11 of the Merthyr Tydfil County Borough Council Replacement Local Development Plan (RLDP) says development must contribute to the creation of attractive and sustainable places through high quality, sustainable and inclusive design and requires, amongst other things, that new development is appropriate to its local context and integrates effectively with the historic environment. Similarly, RLDP policy CW1 seeks to ensure new developments preserve or enhance designated historic environment assets.
8. The proposed dwelling would be sited on a small rectangular plot to the south-west of the house named Bryn Teg, separated from it by a private driveway that connects to the dwellings in the converted Stable building to the south. The southern part of the appeal plot is densely vegetated with mature conifer trees along the south-western boundary, while the northern part provides a hardstanding area apparently used for car parking serving Bryn Teg with a small timber outbuilding and patio area in between.
9. Given the indicative scale parameters and shape and size of the appeal site, it is clear that the proposed dwelling would occupy a large part of the plot with a tight layout and a small garden. Although the historic character of the existing stable yard has been altered by modern developments, the openness of the appeal site nevertheless enables a legible appreciation of the layout and character of the historic environment in this location. In this regard the proposed dwelling would further erode the remaining undeveloped parts of the Stable yard area and would dilute the relationship between this space and the original historic buildings, thereby failing to preserve their setting. The proposed dwelling would also appear cramped within the plot and incongruous in this setting to the detriment of the surrounding area. Given the size of the plot I do not consider that bespoke design of the dwelling at reserved matters stage could overcome these concerns.
10. This harm would be exacerbated by the height of the proposed dwelling. The indicative scale parameters suggest the proposal would have a ridge height of between 8.6m and 9.15m. This would be in contrast to Bryn Teg and Delmont which are bungalow style properties and subordinate in scale to the historic Grade II listed Stables and Stable House. Furthermore, the two-storey dwellings on Stables Court adjacent to the west of the site are set at a much lower level. Therefore, the proposed new dwelling would appear disproportionate in scale to the surrounding buildings and would undermine the integrity of the historic environment.
11. The proposed dwelling would also appear over scaled and incongruous when viewed from Stables Court (indicated Church Row on the Location Map) to the southwest of the

site from where its west side elevation would be clearly visible from the public realm and viewed at a high level between the dwellings.

12. In light of the above, the proposed dwelling would fail to preserve the character or appearance of the Conservation Area and the setting of the nearby listed buildings, contrary to RLDP policies SW11 and CW1.

Living Conditions

13. RLDP Policy SW11 requires, amongst other things, that new development does not result in an unacceptable impact on local amenity, loss of light or privacy, or visual impact. To the southwest the site adjoins the rear gardens of modern two-storey dwellings on Stables Court whose occupiers are those most likely to be affected by the proposed development in terms of the impact on their living conditions. These houses are sited at a lower level with modest rear gardens.
14. I am satisfied that detailed design of the dwelling at reserved matters stage would ensure that the privacy of nearby residents would be adequately protected. However, the indicative details including scale parameters show the proposed dwelling would be sited close to the southwest boundary of the appeal site up to 11.3m in length and up to 9.15m in height. By virtue of its size and proximity to the boundary, the proposed dwelling would have a dominating and overbearing appearance when viewed from the rear windows and gardens of the neighbouring properties on Stables Court and harm their outlook. This would result in an oppressive form of development that would have an unacceptable impact on the occupants' living conditions.
15. Concerns were also raised in relation to the proposed dwelling creating overshadowing of the neighbouring gardens for part of the day. The appellant contends that the existing conifer trees on the site create overshadowing to the adjoining dwellings and the proposed development, including the removal of these trees, would improve the amenity of neighbouring properties in this regard. However, given the location of the site to the northeast of the neighbouring properties, the extent to which either the existing trees or the proposed dwelling would overshadow the neighbouring gardens is limited due to the orientation of the plots relative to the path of the sun. Nonetheless, in terms of outlook, I consider the visual impacts of the proposed new dwelling would be greater and more obtrusive than the softer appearance of the group of conifer trees on part of the site boundary. Given the constraints of the plot size, I do not consider detailed design could address these concerns.
16. Taking all of the above into consideration, I conclude that the proposal would be harmful to residents living conditions by reason of the effects on outlook, contrary to RLDP Policy SW11

Other Matters

17. Concerns have been raised about the impact of the development on the existing access and parking arrangements for the site and surrounding properties. I note the Highway Authority did not object on these grounds and I am satisfied that these matters could be adequately accommodated in detailed proposals through the provision of parking for the existing house Bryn Teg, and the proposed dwelling.
18. During the consideration of the appeal changes to Planning Policy Wales (PPW) were published by the Welsh Government, which includes new emphasis on the importance of urban trees for biodiversity and amenity value. PPW requires that where trees are removed as part of a proposed scheme, the step-wise approach should be followed and where loss is unavoidable developers will be required to provide compensatory planting.

Nonetheless, in view of my findings in relation to the main issues I have not considered the implications of the policy change as it would not alter the outcome of the appeal.

Conclusion

19. For the reasons given above, and having regard to all matters raised, I conclude that the appeal should be dismissed.
20. 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 to make our cities, towns and villages even better places in which to live and work.

V. Robinson

INSPECTOR
