
Penderfyniad ar yr Apêl

Ymweliad â safle a wnaed ar 05/04/22

**gan C MacFarlane BSc(Hons) MSc
MRTPI**

**Arolygydd a benodir gan Weinidogion
Cymru**

Dyddiad: 21.06.2022

Appeal Decision

Site visit made on 05/04/22

**by C MacFarlane BSc(Hons) MSc
MRTPI**

**an Inspector appointed by the Welsh
Ministers**

Date: 21.06.2022

Appeal Ref: CAS-01377-T7F7V9

Site address: The Sherries, Penderry Road, Penlan, Swansea SA5 7EA

<p>The Welsh Ministers have transferred the authority to decide this appeal to me as the appointed Inspector.</p>
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- 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 Tamilkumar Kanakanayagam against the decision of the City and County of Swansea Council.
 - The development proposed is two storey side extension to existing unit to provide a separate ground floor take away (Class A3) with first floor two bedroom flat, external flue and external staircase.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. I have taken the description of development from the appeal form and Council's decision notice, which more accurately describes the proposal.

Main Issues

3. The main issues are the effect of the proposal on:
 - i) The character and appearance of the surrounding area;
 - ii) The living conditions of the neighbouring occupiers of 4 Penlan Grove, with regard to overlooking, and 6 Penlan Grove, with regard to outlook; and
 - iii) The living conditions of future occupiers of the proposal, with regard to internal and external space provision.

Reasons

Character and appearance

4. The appeal property is a detached, single-storey building, presently operating as a convenience store. A building of similar scale and design is located immediately to the south and is in use as a takeaway. To the north is a single-storey outbuilding sited within the rear garden of 4 Penlan Grove. The surrounding area is largely residential and mainly comprised of pairs of two-storey, semi-detached dwellings with pitched roofs. The dwellings are arranged in a linear pattern, with those to the south of the appeal property following an established building line parallel to, and set back a uniform distance from, the highway. The appeal property and adjacent building are angled slightly away from the highway. The ground level falls away from the appeal property along the highway to the south, giving a regular, 'stepped' appearance to the height of the surrounding dwellings. Whilst some alterations have been made to the front of dwellings, these are minor in nature and limited in number. Overall, this results in Penderry Road, particularly along its eastern side, being characterised by a largely uniform and regular residential street scene.
5. Due to its height and position forward of the existing building elevation, the proposal would project significantly above the adjoining single-storey buildings and interrupt the established building line. Whilst the appeal property, and neighbouring commercial property, have monopitch roofs, these are exceptions to the prevailing character of the surrounding area. In combination with the proposed increased height of the building, the proposed roof style would create a discordant form of development, with the failure to respond to the established building line resulting in an incongruous addition to the street scene that is significantly at odds with the surrounding area. I therefore conclude that the proposal would cause significant harm to the character and appearance of the surrounding area and would not comply with Policy PS 2 of the Swansea Local Development Plan 2010-2025 (LDP) which, amongst other things, requires developments to respond positively to local context and character.

Living conditions of neighbours

6. The appeal property is bordered by the rear gardens of 4 Penlan Grove to the north and 6 Penlan Grove to the east. Although the Council's decision notice and officer report appear to have confused the nature of the impacts on the living conditions of the occupiers of these properties, it was clear to me at my visit that the issues relate to overlooking of the occupiers of No 4 and outlook for the occupiers of No 6.
7. Due to the proximity of the proposed external staircase to the boundary of No 4, and its position on higher ground, there would be unobstructed views of much of the rear garden and windows of No 4 by those using the flat entrance. Although the length of time taken to ascend the stairs may be brief, this would occur regularly throughout the day and evening by occupiers, guests, deliveries and other visitors to the property. Furthermore, whilst the landing area would not be large enough to be considered amenity space, this would not prevent future occupiers standing or sitting at the top of the staircase for periods of time, particularly given the absence of any other external space associated with the proposed flat. Therefore, whilst some intervisibility may be expected in built up areas, the proposal would introduce a significantly greater degree of overlooking than is currently experienced by the occupiers of No 4, with resultant detriment to privacy levels.
8. I note the appellant's willingness to provide a privacy screen via a planning condition. However, no details have been provided and, given the extent of screening which may be required due to the proximity, height and open construction of the staircase, this could

give rise to other impacts which require proper assessment. I therefore do not consider the use of a planning condition to be an appropriate mechanism in this instance.

9. With regard to No 6, this single-storey dwelling is located close to its boundary with the appeal site and at a lower ground level. Due to its height and proximity, the proposed building would appear as a large and overbearing feature when viewed from the garden and windows of No 6, with this being exacerbated by the largely blank rear elevation. The result would be a significant enclosing effect on the outlook of the occupiers of No 6, which would result in oppressive living conditions.
10. In conclusion, the proposal would cause significant harm to the living conditions of the occupiers of 4 Penlan Grove, with regard to overlooking, and 6 Penlan Grove, with regard to outlook. It would therefore fail to accord with LDP Policy PS 2 which, amongst other things, requires all proposals to ensure that no significant adverse impacts would be caused to people's amenity.

Living conditions of future occupiers

11. The Council's adopted Supplementary Planning Guidance (SPG) documents 'Placemaking Guidance for Residential Development' (2021) and 'Placemaking Guidance for Infill and Backland Development' (2021) provide guidance in relation to internal and external amenity space, and supersede the SPG 'Places to Live – Residential Design Guide' (2014). Whilst not constituting development plan policy, the SPG documents provide useful guidance in implementing the relevant policies within the LDP. Paragraph 1.5 of the 'Residential Development' SPG is clear that although the focus of the document is for schemes of 10 or more dwellings, it is relevant to all proposals for new residential development. The SPG is therefore applicable to the appeal proposal.
12. The internal area of the proposed flat would be substantially below the space standards set out in both SPG documents. I acknowledge that, in some instances, proposed developments may not be capable of achieving these standards, and the SPG allow for a flexible approach where it can be demonstrated that suitable living environments can be provided. However, notwithstanding the appellant's statement that the space is sufficient for the intended occupiers, there is a lack of evidence to show that the proposed layout would provide adequate space for furniture, circulation, storage and daily activities without resulting in a cramped and confined living environment.
13. No external amenity space would be provided for future occupiers of the flat and, whilst reference has been made by the appellant to parks and play areas within walking distance of the site, no details have been provided. With regard to the accessibility of Mynydd Newydd playing fields, the Council have highlighted inaccuracies in respect of the map provided by the appellant, which also utilises a direct linear route that may not be practically achievable for pedestrians. Given the lack of information before me, I am unable to conclude that adequate outdoor space would be available to future occupiers. Although the appellant refers to other developments in the area which have been approved without any external space provision, no details of such schemes have been provided to enable any meaningful comparisons to be made and, in any event, I must determine the appeal proposal based on its own merits.
14. Taking the above points together, the proposal would create an unacceptably restricted living environment, which would cause significant harm to the living conditions of future occupiers, with regard to internal and external space provision, and would not comply with LDP Policy PS 2, in respect of ensuring no significant adverse impacts on people's amenity.

Other Matters

15. No substantive evidence has been provided to demonstrate the need for the proposal to support the associated business unit and I therefore afford this consideration little weight in determining the appeal.
16. I acknowledge the site is in a sustainable location and the appellant's intention to provide high quality accommodation. However, such matters are normal expectations of development and therefore do not outweigh the harm I have identified above. The provision of a single dwelling would represent a modest contribution to housing supply and would also not outweigh the identified harm.
17. In reaching my decision, 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 (WBFG Act). I have taken into account the ways of working set out at section 5 of the WBFG Act and 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, as required by section 8 of the WBFG Act.

Conclusion

18. For the reasons given above, the appeal is dismissed.

Claire MacFarlane

INSPECTOR