



Appeal Decision

by I Stevens BA (Hons) MCD MRTPI

an Inspector appointed by the Welsh Ministers

Decision date: 17.10.2022

Appeal reference: CAS-01790-Z2Q6W4

Site address: Rowan Tree Cottage, Countryman Court, Heol Tynewydd, Bedwellty, Blackwood, NP12 0BJ

- 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 Luke Briggs against the decision of Caerphilly County Borough Council.
 - The development is described as retain and complete works to property including the erection of a two-storey side extension to provide garage and first floor office, external alteration and change of use of adjacent land to residential garden.
 - A site visit was made by the Inspector on 4 October 2022.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of a two-storey side extension to provide garage and first floor office, external alteration and change of use of adjacent land to residential garden at Rowan Tree Cottage, Countryman Court, Heol Tynewydd, Bedwellty, Blackwood, NP12 0BJ, in accordance with the terms of the application, Ref 21/0328/RET, dated 28 March 2021, subject to the conditions set out in the schedule to this decision letter.

Procedural Matters

2. As the retention of works does not fall within the meaning of development as set out in the Town and Country Planning Act 1990, I have amended the description of the development in the formal decision.
3. At the time of my site visit, work was well advanced on the two-storey side extension and external alterations. It is understood that these works have been approved under a separate planning application. The Council does not raise any issue with the dwelling works and given this context, the appeal therefore concerns the change of use of land to form a residential garden.

Main Issue

4. The main issue is the effect of the proposal on the character and appearance of the surrounding area.

Reasons

5. The appeal site comprises a two-storey detached dwelling in a large, spacious rural plot. The site is in the open countryside and outside of settlement boundaries as defined by Policy SP5 of the Caerphilly County Borough Local Development Plan (LDP) (adopted November 2010). The southern boundary of the appeal site is defined by a hedgerow running alongside Heol Tynwydd. A group of dwellings extend in a linear form to the north of the appeal site. Access is provided from a driveway to the east, with the dwelling set back in its plot. There is agricultural land to the east, at a lower level than a lawned area which adjoins the rear boundary of the appeal dwelling.
6. The proposal would create an enlarged garden space to the rear of the property. The appellant states that the approved garden boundary extends approximately 1m from the rear elevation of the dwelling. It is proposed to extend the garden about 7m from the rear elevation, to allow for patio space. The garden would occupy some of the lawned area, with a post and rail fence defining its boundary.
7. Policy SP5 of the Caerphilly LDP states that settlement boundaries, among other things, prevent the coalescence of settlements, ribbon development and fragmented development, and prevent inappropriate development in the countryside. Policy CW20 of the LDP states that conversions and extensions of buildings outside of settlement boundaries will be permitted where the use, scale, form, siting, design and materials are suitable within their context. The policy adds that development should not result in the domestication or urbanisation of an otherwise rural setting or the unacceptable loss of undeveloped countryside.
8. I am mindful that the proposal would extend the garden into open countryside. However, the appeal site as a whole has taken on a residential character which differs from its former use as part of a hotel complex. The addition of domestic paraphernalia that would likely accompany its use as a dwelling will reinforce the change to the character and appearance of the area.
9. In this context, I consider that the additional garden space, of relatively modest scale and form relative to the plot size, would represent an appropriate response to the domestic requirements associated with the residential use of the property. The approved plans provide a narrow strip of land which would provide a passage around the property but have no other practical use. While it may be possible to open the bifolding doors onto the passage, there would be little practical use to this space. While such an arrangement may have been appropriate for its former hotel use, I am mindful that the change in use alters the function and practical requirements of living in the property. It is not unreasonable to expect a certain amount of amenity space, which in this case would provide a patio area, facing onto the rear of the dwelling. A 7m deep rear garden would be proportionate and reasonable in this context given the scale of the appeal dwelling and size of the plot.
10. The Council considers that sufficient amenity space is available to the front and south side of the dwelling. However, the front area would appear to be predominantly parking and turning space for vehicles, with hardstanding to be laid down. This extends to the garage space on the southern side of the dwelling. While there would be some grassed spaces around the boundary edges, the provision of a rear patio space would not be unreasonable in the context of the dwelling design, layout and siting.
11. I am also mindful that the development would not be harmful to the rural setting. I observed that the properties to the north, of similar scale to the appeal dwelling albeit set further forward in their plots, have gardens that extend back into their plots. The rear boundary line of these properties extends south to the appeal site and while the depths of

rear gardens would not be comparable, the boundary line would align with the appeal site. As such, the modest extension of the garden would not appear as an incongruous incursion into undeveloped countryside and would not appear to domesticise the otherwise rural setting. The submitted plans show that the ground level is approximately 300mm below the finished level to allow for the addition of topsoil. While I acknowledge the lawned area is raised from the adjoining agricultural land, it retains an open and rural appearance and does not appear overly engineered.

12. I recognise that the garden extension may be visible at certain times of the year from Heol Tynwydd, beyond the hedgerow. The garden would also be visible from neighbouring dwellings. However, it would be read in the context of the adjacent gardens and dwellings, such that the minor extension would appear neither prominent nor obtrusive in relation to the countryside. I note the appellant's proposals to improve the hedgerow and plant new trees near the southern boundary, which would provide both landscape screening and biodiversity enhancement benefits. The use of a post and wire fence boundary would be appropriate in the context of neighbouring boundary features, which would allow a softer integration with the lawned area and agricultural land beyond.
13. I conclude that the proposal would not be detrimental to the character and appearance of the surrounding area. It would therefore comply with the thrust of LDP Policies SP5 and CW20.

Other Matter

14. I note the dispute regarding the raising of site levels in the rear garden. This issue falls beyond the scope of this appeal. In any event, I have concluded that the proposed garden extension into part of the lawned area would not be harmful to the character and appearance of the area.

Conditions

15. The Council has not provided any suggested conditions. I have considered the conditions recommended by consultees in the light of advice in Welsh Government Circular 016/2014 'The Use of Planning Conditions for Development Management'. Given that bat boxes are shown on the proposed elevation plans, it is not necessary to include a separate condition requiring their installation. For the reasons outlined in my decision, the proposed post and wire fence boundary is appropriate to the rural setting and a hedgerow boundary is not necessary. Landscaping details are set out on the site details plan, along with tree planting specification. I have considered the suggested drainage condition. However, considering the development commencement and works to the dwelling nearing completion, it is not necessary or reasonable to secure such measures at this stage.

Conclusion

16. For the reasons given above, and having regard to all other matters raised, the appeal is allowed.
17. 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.

I Stevens

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 completed in accordance with the following approved plans and documents:

3582-04 Revision B 07-03-2022 Location Plan

3582-02 Revision K 06-01-2022 As approved proposed plans and elevations

3582-05 21-06-2021 Site sections existing and as proposed

3582-04 Revision B 30-09-2021 Site details as existing and as proposed

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