



Appeal Decision

by N Jones BA (Hons) MSc MRTPI

an Inspector appointed by the Welsh Ministers

Decision date: 26/05/2023

Appeal reference: CAS-02248-F9C0H7

Site address: Woodlands, 111 Talbot Road, Talbot Green, Pontyclun, CF72 8AH.

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a grant of planning permission subject to conditions.
 - The appeal is made by Mr Rhys Celyn Alexander Williams against the decision of Rhondda Cynon Taf County Borough Council.
 - The application Ref 22/0140/10, dated 6 February 2022, was approved on 31 March 2022, and planning permission was granted subject to conditions.
 - The development permitted is a proposal to remove the privet and conifer hedges from the boundary at the front and east elevation (fronting Talbot Road and the junction with the A4119) and build a solid brick boundary wall between 1500mm and 1800mm in height (not exceeding 6 foot in height) from the public side.
 - The condition in dispute is No 3 which states that: Notwithstanding the submitted plans the wall line and proposed gates shall be set back not less than 450mm from the site boundary and publicly maintained highway (pedestrian footway) along Talbot Road, to ensure the proposal would have no detrimental impact on the future maintenance of the pedestrian footway.
 - The reason given for the condition is: To prevent obstruction to the public highway, in the interest of highway safety in accordance with Policy AW5 of the Rhondda Cynon Taff Local Development Plan.
 - A site visit was made 3 May 2023.
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Decision

1. The appeal is allowed and the planning permission Ref 22/0140/10 for a proposal to remove the privet and conifer hedges from the boundary at the front and east elevation (fronting Talbot Road and the junction with the A4119) and build a solid brick boundary wall between 1500mm and 1800mm in height (not exceeding 6 foot in height) from the public side at Woodlands, 111 Talbot Road, Talbot Green, Pontyclun, CF72 8AH, granted on 31 March 2022 by Rhondda Cynon Taf County Borough Council, is varied by deleting condition 3.

Procedural Matter

2. I have used the description of development given by the Council in its decision notice as it more concisely describes the proposed development than the details provided on the application form.

Main Issue

3. The main issue is the effect that removing the disputed condition would have on highway safety.

Reasons

4. The appeal property and its garden occupy a corner position near busy traffic-light operated multi-lane crossroads, on the side of the junction of Talbot Road with the A4119 Ely Valley Road. The junction locally serves a large retail park and the wider residential area. The Council raises no concerns about the effects of the proposal on the site's eastern edge and acknowledges that the proposal would improve visibility for road users along Talbot Road. From my own observations, I have no reason to reach a different conclusion.
5. Given its similar alignment to the existing hedge, the proposal would not encroach onto the footway or obstruct the free flow of pedestrian traffic using the footway. In terms of future maintenance of the pedestrian footway, although the proposed wall would be of a similar type and would have a similar alignment and relationship to the footway as other residential boundaries nearby, it would be closer to the crossroads junction. I saw however that a wide area of delineated footway and build-out separate the appeal property from the vehicular carriageway fronting it on Talbot Road and that there is a large area of grassed verge to the east. Given the available area, it would appear possible to manage maintenance works whilst retaining a pedestrian route without encroaching onto the carriageway. Additional 'elbow room' to carry out future maintenance activities resulting from the setting back of the wall and gates would be likely to be convenient for the Highway Authority. Nevertheless, I have been provided with no substantive evidence that footway maintenance near the appeal site occurs any more frequently than at other areas in the locality, or that the Highway Authority has experienced difficulties in undertaking maintenance works in this area of Talbot Road or that such works have caused unacceptable obstruction to the highway due to the position of the existing hedge. The proposed wall on a similar alignment to the hedge is unlikely to have any materially different effect on the ability to maintain the footway and so would not unacceptably affect the free flow of traffic or highway safety.
6. I conclude that possible implications for highway safety would not be significant. The condition does not therefore meet the test of necessity as set out in Welsh Government Circular 016/2014, The Use of Planning Conditions for Development Management (the Circular) and should not be applied.

Conclusion

7. For the reasons given above I conclude that the appeal should be allowed. I will vary the planning permission by deleting the disputed condition.
8. 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 principle through its contribution towards one or more of the Welsh Minister's wellbeing objectives as required by section 8 of the Act.

N Jones

INSPECTOR

