



Appeal Decision

by Paul Selby BEng (Hons) MSc MRTPI

an Inspector appointed by the Welsh Ministers

Decision date: 31.08.2023

Appeal reference: CAS-02454-H4B8W3

Site address: 2A Waverley Drive, Mumbles, Swansea SA3 5SY

- 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 and Mrs Cole against the decision of City and County of Swansea.
 - The application Ref 2022/2452/FUL, dated 16 October 2022, was refused by notice dated 7 December 2022.
 - The development proposed is Change of use of land to form part of the garden area of 2A Waverley Drive (Class C3).
 - A site visit was made on 9 August 2023.
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Decision

1. The appeal is allowed and planning permission is granted for Change of use of land to form part of the garden area of 2A Waverley Drive (Class C3), at 2A Waverley Drive, Mumbles, Swansea SA3 5SY, in accordance with the terms of the application, Ref 2022/2452/FUL, dated 16 October 2022, subject to the conditions set out in the schedule to this decision letter.

Procedural Matter

2. Notwithstanding the information given on the planning application form, I have taken the description of development from the Council's Decision Notice, which is more accurate.

Main Issue

3. This is the effect of the proposal on the character and appearance of the area.

Reasons

4. The surroundings of the appeal site are strongly influenced by the woodland and grassed areas located on the steeper gradients which bound the lower section of Waverley Drive. Nonetheless, as residential properties always remain in view, the character of the area is of a leafy and open low density suburban environment.
5. The appeal site is separated from the residential property of 2A Waverley Drive by a brick retaining wall, but the two areas of land share a linear character and have a similar depth and elevation above the level of the highway. Whilst lying adjacent to woodland subject to a Tree Preservation Order (TPO), there is no dispute that the site has been mainly grassed over for several years. Whilst I saw that some juvenile trees have been planted on the site, its openness affords it a character which is markedly different to the adjoining dense woodland. This visual difference is reinforced by exposed rocks at the site's rear.

6. The extended curtilage would be greater in scale than others nearby and would be unusual in having a dwelling bookended by two generous side gardens. However, the property at No 2A is already notably different in form and design to the nearest dwellings at 2 Waverley Drive and 1 Helwick Close. Given this context, the scale and arrangement of the extended curtilage would not appear obtrusive.
7. Notwithstanding this, the soft landscaped character of gardens at 2 Waverley Drive and 1 Helwick Close are, as with the appeal site, readily visible from Waverley Drive and contribute positively to the area's leafy and open character. The extensive boundary walls and fences encircling the existing plot at No 2A are a notable deviation from this established character and, in my view, do not make a positive visual contribution to the area. The erection of walls, structures, hard surfaces and similar on the appeal site following its change of use could, given its prominence from Waverley Drive, seriously undermine the area's visual quality and affect the health of nearby trees, causing harm to its character and appearance. Such effects would, however, be acceptably mitigated via conditions requiring planning permission to be sought for such forms of development. I do not, however, consider that removing permitted development rights for extensions or alterations to the dwelling itself would fairly and reasonably relate to the development, and have therefore not imposed a condition to this effect.
8. Due to the residential character of the surrounding area and the largely sloping nature of the appeal site, it is not likely that domestic paraphernalia would proliferate to an extent which would cause visual harm. Given the specific site circumstances, I do not consider that allowing the appeal would risk setting an undesirable precedent, as planning applications are considered on their own merits. Consequently, subject to the imposition of appropriate conditions, I conclude that the proposal would accord with the objective of policy PS 2 of the Swansea Local Development Plan to enhance the quality of places and spaces and respond positively to aspects of local context and character that contribute towards a sense of place.

Conclusion

9. I have considered the other matters raised but none alters my decision. I conclude that the appeal should be allowed.
10. 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.

Paul Selby

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 carried out in accordance with the approved Site Plan and Location Plan (Drawing ref: 001).

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

- 3) Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) Order 1995 (as amended) (or any Order revoking or amending that Order), Class E and F of Part 1 of Schedule 2 shall not apply.

Reason: In the interests of the character and appearance of the area and trees, in accordance with policies PS 2 and ER 11 of the Swansea Local Development Plan (2010-2025).

- 4) Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) Order 1995 (as amended) (or any Order revoking or amending that Order), Class A of Part 2 of Schedule 2 shall not apply.

Reason: In the interests of the character and appearance of the area and trees, in accordance with policies PS 2 and ER 11 of the Swansea Local Development Plan (2010-2025).

- 5) No development shall take place until a scheme for biodiversity enhancement has been submitted to and agreed in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

Reason: In the interests of maintaining and enhancing biodiversity, in accordance with Policy 9 of Future Wales and Policy ER 9 of the Swansea Local Development Plan (2010-2025).