



Appeal Decision

by Clive Sproule BSc MSc MSc MRTPI MEnvSci CEnv

an Inspector appointed by the Welsh Ministers

Decision date: 20/07/2023

Appeal reference: CAS-02499-J4T3F6

Site address: 6 Mayals Green, Mayals, Swansea SA3 5JR

- 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 Jones against the decision of the Council of the City and County of Swansea.
 - The application Ref 2022/1116/FUL, dated 10/05/2022, was refused by notice dated 07/11/2022.
 - The development proposed is demolition of detached garage, extension to existing side dormers, part two storey/part single storey side extension with rear Juliet balcony, PV solar panels and two side roof lights.
 - A site visit was made on 07/03/2023.
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Decision

1. The appeal is allowed and planning permission is granted for demolition of detached garage, extension to existing side dormers, part two storey/part single storey side extension with rear Juliet balcony, PV solar panels and two side roof lights at 6 Mayals Green, Mayals, Swansea SA3 5JR, in accordance with the terms of the application, Ref 2022/1116/FUL, dated 10/05/2022, subject to the conditions set out in the schedule to this decision letter.

Procedural Matter

2. The appeal submission includes a drawing no. 03.22.6M.D4 Rev D which is not included in the Council's decision notice or documentation submitted with the questionnaire. Nevertheless, the purpose of the plan is to provide additional information on biodiversity enhancements that are necessary for the development to comply with planning policy and a statutory duty. The plan does not change the proposed scheme and I have considered it on this basis.

Main Issue

3. This is the effect of the proposed development on the living conditions of occupiers of Eel Marsh House in relation to visual impact and overshadowing.

Reasons

4. Mayals Green has open space around its northern junction with the B4436, and land levels rise toward its southern junction with Fairwood Road. Existing residential development along the central and southern parts of Mayals Green are on plots, and of designs, that have responded to the hillside and its changing land levels.
5. The proposed extension would be built close to the boundary with Eel Marsh House, which is a hip roofed dwelling with two storey front and side elevations. In comparison to No.6, Eel Marsh House is set further back in its plot from the highway, and the falling land levels from the road place the dwelling significantly below the frontage of level of No.6.
6. When viewed from Mayals Green, No.6 has a front gable with windows to the ground floor and accommodation in the roof. The forms of No.6 and Eel Marsh House, along with their site levels, cause the side eaves level and first floor accommodation of Eel Marsh House to be slightly below the side eaves level and ground floor of No.6.
7. The proposed extension would utilise the site of an existing flat roof garage to extend the built footprint along the side of No.6. It also would develop across the gap between the garage and the dwelling, and use changing land levels to create a lower ground floor in the extension. The extension would have a pitched roof that would meet the existing roof of No.6 at eaves level to provide a secondary gable feature to the front and rear elevation of the dwelling. It would have a ridgeline that would be parallel to, but noticeably lower than the existing roof ridge of No.6.
8. The appeal scheme would extend the side elevation that stands next to, and above, the level of Eel Marsh House. In doing so, it would place the side eaves of No.6 closer to Eel Marsh House. When I stood where the proposed front corner of the extension would be, it was apparent that the front windows of Eel Marsh House would retain their existing views across the amenity space in front of them and Mayals Green. In addition, some views would be retained beyond the proposed extension and across the front amenity space of No.6.
9. The proposed extension would be a form of development that reasonably would be expected to occur in this residential environment. Having considered matters such as the particular context of the proposal, its form, position and how it would be viewed from Eel Marsh House, along with the views from Eel Marsh House that would remain unchanged by the proposal, I find the appeal scheme would have an acceptable effect on the outlook from Eel Marsh House. There would be some visual impact from the proposed development, but it would not be sufficient to be overbearing and unacceptably harmful to local living conditions.
10. No.6 is to the south of Eel Marsh House. By increasing the scale of the built forms near to the property boundary, the proposed extension would interrupt direct sunlight that would otherwise have passed over the existing garage to the neighbouring property. Consequently, the appeal scheme would result in some additional overshadowing at certain times of the year. However, this loss of direct sunlight at certain times of the day and year has not been shown to be significant. Nor, given the existing circumstances of Eel Marsh House, has it been shown that occupiers of the dwelling would be likely to experience a significant loss of daylight through the development proposed.
11. Accordingly, I conclude that the occupiers of Eel Marsh House would not be subject to unacceptably harmful levels of overshadowing and visual impact from the development proposed. By having an acceptable effect on the living conditions at Eel Marsh House, the appeal scheme complies with policy PS 2 of the Swansea Local Development Plan 2010-2025, which seeks development to cause no significant adverse impacts on

residential amenity. The proposal also accords with the Council's Placemaking Guidance for Residential Development Supplementary Planning Guidance, which aims to protect residential amenity from unacceptable levels of overshadowing or visual impact that would result in an overbearing form of development.

Other Matters

12. The occupation of No.6 already results in a degree of overlooking from its existing windows and external balcony area toward neighbouring properties. The extension would provide additional windows, and a Juliet balcony, at No.6. However, within the context of the appeal site and its surrounding land uses, these additional openings would not result in a significant increase in the level of overlooking from No.6 to areas of private amenity space or neighbouring windows and doors, due to the separation distances involved and the levels and nature of the existing views of them.

Conclusion

13. All matters raised in this case have been taken into account, and none have been found to outweigh the scope of possible planning conditions, the lack of unacceptable harm and resulting policy compliance. Accordingly, and for the reasons set out above, the appeal should be allowed.
14. 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 of making our cities, towns and villages even better places in which to live and work.

Clive Sproule

INSPECTOR

SCHEDULE OF CONDITIONS

1. The development shall begin not later than five years from the date of this decision.
Reason: In accordance with the provisions of Section 91 of the Town and Country Planning Act 1990.
2. The development shall be carried out in accordance with the following approved plans and documents:
 - Drawing No. 03.22.6M.D1 Revision A – Existing Ground & First Floor Plans
 - Drawing No. 03.22.6M.D2 Revision A – Existing Elevations
 - Drawing No. 03.22.6M.D3 Revision C – Proposed Ground & First Floor Plans
 - Drawing No. 03.22.6M.D4 Revision C – Proposed Elevations
 - Drawing No. 03.22.6M.D5 Revision A – Existing Lower Ground Floor Plan
 - Drawing No. 03.22.6M.D6 Revision B – Proposed Lower Ground Floor Plan

Drawing No. 03.22.6M.D7 Revision A – Block Plans

Reason: To ensure that the development is carried out in accordance with the approved documents, plans and drawings submitted with the application.

3. The biodiversity enhancement measures shown on Drawing No. 03.22.6M.D4 Revision D shall be provided prior to the first occupation of the development hereby permitted, and the biodiversity enhancement measures shall be retained as such thereafter.

Reason: In the interests of maintaining and enhancing biodiversity, in accordance with Future Wales Policy 9, policy ER 9 of the Swansea Local Development Plan 2010-2025 and section 6 of the Environment (Wales) Act 2016.