



## Appeal Decision

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by I Stevens BA (Hons) MCD MRTPI

an Inspector appointed by the Welsh Ministers

Decision date: 01/08/2023

Appeal reference: CAS-02513-W3S5B5

Site address: 52 Llewellyn Street, Trecynon, Aberdare. CF44 8HU

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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 Bryn Davies against the decision of Rhondda Cynon Taf County Borough Council.
  - The application Ref 22/0265/10, dated 2 March 2022, was refused by notice dated 9 November 2022.
  - The development proposed is construction of a hard stand for the siting of a caravan & new detached garage retrospective.
  - A site visit was made on 12 July 2023.
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### Decision

1. The appeal is allowed and planning permission is granted for construction of a hard stand for the siting of a caravan & new detached garage (retrospective) at 52 Llewellyn Street, Trecynon, Aberdare. CF44 8HU, in accordance with the terms of the application, Ref 22/0265/10, dated 2 March 2022, subject to the conditions set out in the schedule to this decision letter.

### Procedural Matter

2. I noted on my site visit that individual elements of the proposal have been largely completed. I have therefore dealt with the appeal on the basis that it partly seeks retrospective planning permission.

### Background and Main Issue

3. The Council's refusal reason refers specifically to the construction of hard standing required for the siting of a static caravan, and the effects of overlooking of neighbouring properties. No objection has been raised to the constructed garage, and having considered the planning committee report and minutes, along with my own site visit observations, I see no reason to disagree with the Council on this.
4. The main issue therefore is the effect of the constructed hard standing on the living conditions of nearby occupiers with particular regard to privacy and outlook.

## Reasons

5. The appeal site comprises a detached bungalow and accompanying land. The property is set back from its access off Trefelin by a front garden. A driveway leads from the highway along the side of the property to the garage, which has been constructed behind the bungalow close to the rear boundary of the appeal site. The surrounding area is residential, characterised by a mix of dwelling types. The nearest dwellings are located to the south of the appeal site, where the rear gardens of several terraced properties adjoin the boundary of the appeal site.
6. The static caravan is an annexe to the dwelling, for use by the appellant's family. It has been placed to the side of the bungalow, on an area of hard standing. Due to the slope in site levels, a ramp leads from the driveway up to the caravan entrance, and a patio has been constructed to the front of the structure. Consequently, the hard standing is at an elevated level to the adjacent driveway and garden space. The hard standing varies between about 0.8m and 1.3m above prevailing ground levels.
7. The hard standing is adjacent to a stone wall that forms the site boundary. The wall is about 2.2m high and runs along the rear gardens of several terraced properties. When stood on sections of the hardstanding, it is possible to see into the neighbouring rear gardens, over the boundary wall. Given the proximity of the hard standing to the wall, such effects are at close range and harmful to the privacy of occupants of neighbouring dwellings.
8. The appellant has proposed a screening fence which would be placed near to the boundary wall. It would run for a length of about 11.6m from the furthest corner of the garden of no. 55 Llewellyn Street to the edge of a single-storey outbuilding in the rear garden of no. 56 Llewellyn Street. It is this section of the gardens of nos. 55 and 56 that are open and visible when stood on the area of hard standing within the appeal site.
9. The fence would reach a height of about 2.6m above the ground level of the adjoining properties' rear gardens. The fence is necessary to screen views of neighbouring properties from the elevated area of hard standing. I also recognise the potential of overlooking into the neighbouring gardens from within the static caravan, given the presence of windows along its side elevation. However, I am satisfied that the fence, reaching the maximum height as suggested, would provide adequate screening to make development acceptable.
10. At the proposed height, the fence would rise about 0.4m above the stone wall boundary. The modest height increase in the boundary feature would not give rise to any material deterioration of existing outlook from the rear gardens of nos. 55 and 56, as the full effect of the fence would not be seen from those neighbouring properties due to the presence of the stone wall. Consequently, the position and height of the fence would not have an overbearing impact on the occupants of neighbouring properties.
11. I conclude that the development does not have a harmful effect on the living conditions of occupants of nearby properties. As such, the development complies with the amenity criteria set out in Policy AW 5 of the Rhondda Cynon Taf Local Development Plan up to 2021, adopted in March 2011.

## Conditions

12. I have considered the conditions recommended by the Council in the light of advice in Welsh Government Circular 016/2014 'The Use of Planning Conditions for Development Management'. As development has been partly completed, the standard time limit condition is not necessary. The condition restricting the garage to domestic uses is reasonable in the interests of highway safety.

13. Details of the fence screening near the stone wall is necessary and reasonable to ensure there is no overlooking from the area of hard standing. The biodiversity enhancement condition is also necessary and reasonable considering national policy. These conditions are imposed to ensure that the required details are submitted, approved, and implemented to make the development acceptable in planning terms. There are strict timetables for compliance because permission is being granted retrospectively, and it is not possible to use negatively worded conditions to secure the approval and implementation of the fence and biodiversity enhancement scheme before the development takes place. The conditions will ensure that the development can be enforced against if the requirements are not met. Given there is scope within the individual fencing and biodiversity enhancement schemes for the appellant to agree details of implementation and retention with the Council, it is not necessary to specifically include them within the wording of each condition.

### **Conclusion**

14. For the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be allowed.
15. 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 one or more of the Welsh Ministers' well-being objectives.

*I Stevens*

INSPECTOR

## SCHEDULE OF CONDITIONS

- 1) The development hereby approved shall be carried out in accordance with the approved plans:

- Location Plan. Received by LPA on 6 April 2022
- Proposed Site Plan. Drawing Number BB-02. Rev B. Received by LPA on 6 April 2022
- Garage Plans & Elevations. Drawing Number BB-03. Rev A
- Sections. Drawing Number BB-04. Rev A

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

- 2) The use of the garage hereby approved, shall at all times be restricted to purposes normally associated with a domestic use and no trade or business shall be carried out therein and at no time shall it be converted to a room or living accommodation to be enjoyed as part of the dwelling.

Reason: For the avoidance of doubt as to the extent of this consent, in the interests of the safety of all highway users, in line with Policy AW 5 of the Rhondda Cynon Taf Local Development Plan up to 2021, adopted March 2011.

- 3) Unless within 3 months of the date of this decision a scheme for the screening fence is submitted in writing to the local planning authority for approval, and unless the approved scheme is implemented within 3 months of the local planning authority's approval, the use of the hard standing and garage shall cease until such time as a scheme is approved and implemented. If no scheme in accordance with this condition is approved within 6 months of the date of this decision, the use of the hard standing and garage shall cease until such time as a scheme approved by the local planning authority is implemented.

Reason: In the interests of the living conditions of occupiers of neighbouring residential properties, in accordance with Policy AW 5 of the Rhondda Cynon Taf Local Development Plan up to 2021, adopted March 2011.

- 4) Unless within 3 months of the date of this decision a scheme for biodiversity enhancement is submitted in writing to the local planning authority for approval, and unless the approved scheme is implemented within 3 months of the local planning authority's approval, the use of the hard standing and garage shall cease until such time as a scheme is approved and implemented. If no scheme in accordance with this condition is approved within 6 months of the date of this decision, the use of the hard standing and garage shall cease until such time as a scheme approved by the local planning authority is implemented.

Reason: In the interests of maintaining and enhancing biodiversity, in accordance with Future Wales Policy 9 and Policy AW 8 of the Rhondda Cynon Taf Local Development Plan up to 2021, adopted March 2011.