



Appeal Decision

by Zoe Baxter BSc, MSc, MRTPI

an Inspector appointed by the Welsh Ministers

Decision date: 01/06/2023

Appeal reference: CAS-02577-X4M1F0

Site address: 19 Cefn Coed Avenue, Cyncoed, Cardiff, CF23 6HE

- 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 Fadil Bilal against the decision of Cardiff Council.
 - The application Ref 22/01332/DCH, dated 22 June 2022, was refused by notice dated 5 December 2022.
 - The development proposed is a ground and first floor rear extension, raise roof line and conversion of loft space with front hall extension.
 - A site visit was made on 16 May 2023.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposal on:
 - the living conditions of the occupiers of 1A Hunters Ridge having regard to light and outlook; and
 - the character and appearance of the area.

Reasons

Living conditions

3. The appeal site accommodates a two-storey detached dwelling sited at a lower level to the neighbouring property, 1A Hunters Ridge (No 1A) which lies to the north. No 1A has an elevation containing windows facing, and in close proximity to, the boundary with the appeal property.
4. The Council has adopted Supplementary Planning Guidance (SPG) entitled Residential Extensions and Alterations (2017) which primarily provides guidance supplementary to Policy KP5, Good Quality and Sustainable Design, of the Cardiff Local Development Plan (LDP) (adopted January 2016). Amongst other matters, the SPG advises that extensions should not be overbearing to neighbours or result in an unacceptable loss of daylight or sunlight to neighbouring properties.
5. The proposed development would involve raising the roof line by approximately 0.9m to provide a loft conversion, resulting in the rear extension protruding some 8.1m in length at roof level. The rear extension would be the full width of the property and the submitted plans show it would extend out by approximately 6.5m at ground and around 4.5m at first and second floor. Elevations for the north side of the dwelling have not been provided,

but I saw from my visit that the proposed development would result in an expanse of brick wall in excess of 12m at two storey height. As a result, the windows on the south elevation of No. 1A would be faced with an outlook onto the substantial side flank wall of the appeal property. Although at a higher level, having regard to the proximity of the development to No 1A, the increased ridge height coupled with the scale of the rear extension would result in an enclosing and overbearing impact on the living conditions of the occupants of No. 1A.

6. In line with the guidance within the SPG the appellant submitted a Daylight and Sunlight Assessment (DSA) to assess the impact of the proposed development on daylight and sunlight levels experienced by the neighbouring property No 1A. The report has been carried out in accordance with The Building Research Establishment (BRE) - "Site layout planning for daylight and sunlight: A guide to good practice".
7. The BRE publication identifies that the measure of daylight reaching a window should not fall below 27%. The DSA identifies many of the windows assessed at No. 1A to have less than 27% of daylight as existing. The report does not identify harm against the BRE guidelines from the proposed development in terms of the Vertical Sky Component (VSC) being less than 0.80 its former value for most windows assessed at the neighbouring property.
8. I do not dispute the veracity of the assessment, nor the consistency with the BRE good practice guidance. Nonetheless, this is guidance and should be used to inform the consideration of development proposals. Given the existing daylight experienced by No. 1A, with many windows on the south elevation receiving less than 27% daylight, the proposal would only serve to exacerbate the existing poor levels of daylight, compounding its overbearing impact. Whilst there may be windows in all elevations of No 1A, this would not justify the harm I have identified especially as many of the room layouts are unknown. I therefore find the combination of the height, size and position of the proposed development would result in an adverse impact on the living conditions of No 1A, by way of having a dominating and enclosing effect on the outlook from the south side elevation and the impact on daylight experienced by those rooms.
9. The Council does not allege other impacts on neighbouring occupiers, in relation to overshadowing and loss of light, and I have no reason to find otherwise. For the above reasons I conclude that the proposal would harm the living conditions of the occupants of No. 1A and would therefore be contrary to LDP Policy KP5 in that it would result in undue effect on the amenity of neighbouring occupiers. The proposal would also run counter to the objectives of the SPG.

Character and appearance

10. Cefn Coed Avenue comprises a range of house styles, including three storey flats and terraced properties, with the majority being two storey detached dwellings. Despite the variation in house types at the start of the street, the properties surrounding the appeal site are generally two-storey with unaltered ridgelines and a standard roof design. LDP Policy KP5 requires proposals to respond to the local character and context of the built and landscape setting.
11. The appeal property follows a similar design and size to the two preceding properties 15 and 17 Cefn Coed Avenue. Albeit the position of each property is set forward and at a higher-level than the previous, taking account of the changing levels within the street. The proposal to raise the ridgeline of No. 19 by approximately 0.9m would interrupt the consistent rhythm of the three properties. Despite the proposed design retaining a pitched roof, the perceived bulk would be exacerbated by the visibility of the southern flank wall from the street. With No. 19 already being situated at a higher level than Nos

15 and 17, the increased roof height would interfere with the pattern of development set and have an adverse visual impact on the street scene when travelling north along Cefn Coed Avenue. It is acknowledged No 1A is set at a higher level. However, the property is of a different orientation and design and therefore this would not mitigate against the proposed increased ridge height of No. 19

12. Furthermore, the SPG highlights that proposals for increasing the ridge height will be considered within the context of the site and associated levels. Given the appeal site's position at a higher level than neighbouring properties to the south, the proposed increase in ridge height and conversion to a three-storey property would be amplified with the dwelling appearing domineering to the detriment of the appearance of the site and character of the immediate area. The Council raise no concern in relation to the front hall extension and I see no reason to disagree.
13. The appellant refers to a two-storey extension permitted at 15 Cefn Coed Avenue being similar in design to the proposed development. However, this did not involve alterations to the roof height. As such, it has not unduly influenced the context that I have described, and I therefore give it little weight.
14. I conclude that the proposal would have a harmful effect on the character and appearance of the area. It would not comply with Policy KP5 of the adopted LDP which among other matters requires proposals to respond to the local character and context of the built and landscape setting so that scale, massing, height, and impact are addressed. Furthermore, the proposal does not align with the objectives within the SPG.

Other Matters

15. The third refusal reason relates to the accuracy of the plans. Nonetheless, the appellant accepts these inaccuracies and as I am dismissing the appeal, this matter is not considered further. I also note that amendments were made to the scheme during the planning application process. These involved reductions in the height and length of the extension. Whilst these plans form the basis of my assessment, they do not alter the conclusions that I have reached.

Conclusion

16. For the reasons set out above I conclude that the appeal should be dismissed.
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.

Zoe Baxter

INSPECTOR