



## Appeal Decision

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by Paul Selby BEng (Hons) MSc MRTPI

an Inspector appointed by the Welsh Ministers

Decision date: 08/11/2023

Appeal reference: CAS-02672-N6H4F3

Site address: The Coach House, 1A Victoria Street, Uplands, Swansea SA2 0NE

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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 Noah Redfern against the decision of the City and County of Swansea.
  - The application Ref 2022/2582/FUL, dated 31 October 2022, was refused by notice dated 27 January 2023.
  - The development proposed is Detached 3 bedroom property with rear lane access, property has front drive and two secure garages attached.
  - A site visit was made on 10 October 2023.
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### Decision

1. The appeal is dismissed.

### Procedural Matter

2. Updates to Planning Policy Wales (PPW) were published whilst this appeal was being considered. The parties' views were sought on the implications of the changes to national policy.

### Main Issues

3. The main issues in this case are the effect of the proposal on:
  - The character and appearance of the area,
  - The living conditions of existing and future occupants, with particular regard to privacy, outlook and light,
  - Ecology and biodiversity, and
  - Highway safety.

### Reasons

#### *Character and appearance*

4. The appeal scheme would demolish elements of the existing dwelling, extend parts of its front and rear elevations, and enlarge its roof space to create a second floor. In doing so the appearance of the building would be fundamentally altered, from a two-storey dwelling with pitched and gabled roofs, to a timber-clad and concrete rendered three-storey building of strikingly geometric form.

5. In my view the existing dwelling on the appeal site exerts little positive influence on the area's character and appearance. In comparison to the consistent form, elegant rooflines, defined front boundaries and generous fenestration of other nearby properties, the suburban proportions and recessed siting of the current dwelling appear inapt. Whilst the appeal scheme would deviate from the more traditional form of nearby properties, having regard to the appearance of the existing dwelling I consider that the modern geometric design concept is, in principle, an appropriate response to the context.
6. Given the extent to which the principal elevation would be altered and modernised, I disagree with the Council that surviving elements of the original dwelling would remain apparent and thus visually incoherent. The position of the proposed first and second storey front elevations would positively define the street frontage and, although the building's mass would move forward with an increase in height, the dwelling would be physically separated from the neighbouring terrace and seen in the context of other taller buildings nearby which provide a varied roofline. Consequently, in views from the street the proposal's scale and bulk would not appear inappropriate to the context.
7. Notwithstanding this, at street level the ground floor frontage provided by roller shutter doors and featureless areas of concrete render extending the full width of the front elevation would appear unrelentingly austere. The forward projection of the ground floor front extension adjacent to the side accessway would amplify this adverse visual impact and would relate poorly to the neighbouring terrace, which is set back by modest yards.
8. This harmful visual effect would feature prominently from nearby viewpoints, particularly from the adjacent footway. Moreover, whilst the fenestration of the existing dwelling exhibits neither the symmetry nor the proportions of that seen in nearby properties, the irregular placement and geometry of windows and the limited void-to-solid ratio in the proposed front elevation would appear obtrusive, further exacerbating the austere appearance of the dwelling in views from the street.
9. I recognise that the fenestration of the front elevation is to a large extent driven by the retention of parts of the existing dwelling. Nonetheless, whilst acknowledging that the proposal would introduce some visual benefits, relative to the existing dwelling I find that the above-described features and siting of the front elevation would harmfully affect the character and appearance of the immediate area.
10. I have had regard to the other examples cited by the appellant, but these are either not within visual range of the proposal or are largely screened from public viewpoints. I attach limited weight to these examples and conclude that the proposal would conflict with the objective of policy PS 2 of the Swansea Local Development Plan (LDP) for developments to have regard to important elements of local townscape and views. For the same reasons it would also run counter to the general aims of the Council's 'Placemaking Guidance for Infill and Backland Development' Supplementary Planning Guidance (SPG).

#### *Living conditions*

11. The proposed rear elevation would feature a first floor balcony which would span the width of the property. Its proximity to, and clear intervisibility with, the rear of Nos 53 and 51 Glanmor Road would differ materially to the appeal dwelling's existing first floor balcony, which is partly recessed behind a projecting annex. I saw on my site visit that the dense residential context results in a high level of intervisibility between the rear of properties on Glanmor Road and Victoria Street. Nonetheless, the clear, direct and elevated nature of the views which would be available from the balcony towards the rear gardens and rear windows of Nos 53 and 51 would considerably reduce neighbouring occupants' privacy, harming their living conditions. Whilst I have considered whether a condition could be imposed to mitigate this adverse impact, the details of this are not

before me and, as a privacy screen or similar could potentially give rise to other visual effects, such a course of action would not be appropriate at the appeal stage.

12. The proposed extensions to the dwelling would increase the apparent height and bulk of the structure when viewed from properties to the east. The nearest rear-facing windows in No 53 would be located around 13.5m from the proposal's flank wall. Whilst this is below the recommended minimum distance of 15m identified in the Council's 'Placemaking Guidance for Infill and Backland Development' SPG, the primary increase in bulk would not be within direct line of sight of principal rear-facing windows in No 53. Having regard to the otherwise markedly open aspect available towards the south, I do not consider that the proposal would intrusively overbear on habitable rooms or the rear garden of No 53 or other nearby properties.
13. The proposed dwelling would incorporate two bedrooms (Nos 3 and 4) at ground and first floor levels, which would each be served by a window of modest width. These windows would face across the side accessway towards the neighbouring dwelling's flank wall at close range, with a consequently limited outlook. The proximity of the neighbouring dwelling would also be likely to limit light levels in bedrooms 3 and 4.
14. In dense residential environments, side-facing rooms with more constrained outlooks and levels of natural light are not uncommon. I am also mindful that the four additional bedrooms, and other habitable living spaces within the dwelling, would benefit from predominantly open outlooks and ample natural light. However, access to bedroom 6, on the second floor, would be achieved via bedroom 5. In practical terms this would likely limit the use of bedrooms 5 or 6, increasing reliance on regular use of bedrooms 3 or 4.
15. I recognise that the proposal would modernise the existing property with potential benefits to the well-being of occupants. Nonetheless, in comparison to the spatial arrangement of the existing dwelling, the inadequate light and outlook in bedrooms 3 and 4 resulting from the proposed internal layout would harm the living conditions of future occupants. In combination with the identified harm to the privacy of occupants of 53 and 51 Glanmor Road, there would therefore be conflict with the objective of LDP policy PS 2 to ensure no significant adverse impacts are caused to people's amenity.

### *Ecology*

16. Amongst other things, policy ER 9 of the LDP seeks to avoid adverse effects on the connectivity of ecological networks and features of importance for biodiversity. This is in general accord with national policy, including policy 9 of Future Wales, chapter 6 of PPW (as updated in October 2023), and the aims of Technical Advice Note 5 'Nature Conservation & Planning' (TAN 5).
17. Despite the predominantly built-up nature of the vicinity, the Council notes that there are records of bats in the local area and that a park lies within 150m of the appeal site. Whilst few additional details have been provided, the proposal would involve works to a structure which is of some age and features what appears to be a predominantly enclosed and un-surveyed roof void. In the light of the advice of the Council's ecologist, and as there is a possibility of bats being present within the roof void, I must conclude that the scheme would have the potential to adversely affect a protected species.
18. TAN 5 advises that surveys for protected species should not be required unless there is a reasonable likelihood of them being present. Nonetheless, it states that the level of likelihood that should trigger a requirement for developers to undertake surveys should be low where there is a possibility that protected species might be present. In this case the Council's ecologist has recommended that a Preliminary Roost Assessment (PRA) is undertaken, but none has been submitted. In the absence of a PRA confirming whether

bats are present and/or if the existing structure hosts potential features of value to bats, there is no evidence that the proposal would not adversely affect a protected species.

19. I recognise that the proposal would utilise sustainable building practices and technologies, that there would be minimal change to the built footprint, and that specific measures intended to contribute to a net benefit to biodiversity could be secured via a condition. However, whilst I have considered whether a condition could also be used to secure a PRA, TAN 5 advises that surveys should be completed and any measures necessary to protect species put in place before permission is granted. I therefore conclude that the potential adverse effects on a protected species would be contrary to the objectives of LDP policy ER 9, Future Wales policy 9, PPW and TAN 5.

### *Highway safety*

20. The appeal scheme would replace two single garages with a double garage for two vehicles adjoining the footway. A second roller door in the front elevation serving a new single garage is also proposed, albeit the limited depth of its internal space would prevent its use by vehicles. In the light of representations made by adjoining residents, I agree with the Council that the significant uncertainty concerning vehicular access rights over the side accessway would also constrain the use of a proposed rear garage by vehicles.
21. One of the existing garages is set back from the footway and, although possibly of adequate size for the smallest cars, would not be of sufficient depth for most standard-sized vehicles. However, having regard to the somewhat restricted options for on-street parking, I see no reason why the deeper of the two garages would not be a feasible option for parking a vehicle by occupants of the existing dwelling.
22. The constrained width of this existing garage would limit visibility for exiting drivers in both directions. In my view, the wider aperture of the proposed garage would improve visibility splays for exiting drivers relative to the existing position. I acknowledge that the proposed garage is intended to accommodate two vehicles rather than one, and that its width would facilitate its more regular use by occupants. Nonetheless, the highway's straight alignment would provide acceptable visibility to approaching pedestrians and vehicles. In the context of this dense residential environment, I do not consider that the proposed garage would generate vehicle movements of a nature or frequency that would present an unacceptable risk to the safety of highway users, including pedestrians.
23. Subject to a condition to require the installation of garage doors which do not intrude onto the footway, I conclude that the proposal would accord with the objectives of LDP policy PS2 to provide appropriate parking areas and avoid significant risk to human health.

### **Conclusion**

24. Whilst I have found the proposal to be acceptable in highway safety terms, this does not outweigh the identified harm.
25. I have considered the other matters raised, including in relation to the ownership of, and access rights pertaining to, the side accessway, but as I am dismissing the appeal against some of the main issues I have not considered these matters further. In any case, none alters my decision. I therefore conclude that the appeal should be dismissed.
26. 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.

*Paul Selby* INSPECTOR