



Appeal Decision

by Richard James Bsc (Hons) Msc MRTPI

an Inspector appointed by the Welsh Ministers

Decision date: 10.08.2023

Appeal reference: CAS-02371-D6B2X4

Site address: Land adjacent to No. 131 Cecil Road, Gowerton, Swansea, SA4 3DN

- 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 Rory Saunders against the decision of the City and County of Swansea Council.
 - The application Ref 2022/2185/FUL, dated 14 September 2022, was refused by notice dated 9 November 2022.
 - The development proposed is a detached dormer bungalow.
 - A site visit was made on 13 June 2023 and 11 July 2023.
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Decision

1. The appeal is allowed and planning permission is granted for a detached dormer bungalow on land adjacent to No. 131 Cecil Road, Gowerton, Swansea, SA4 3DN, in accordance with the terms of the application, Ref 2022/2185/FUL, dated 14 September 2022, subject to the conditions set out in the schedule to this decision letter.

Procedural Matters

2. I have amended the site address from that stated on the application form, as the appeal site lies outside the residential curtilage of No. 131 Cecil Road. I am satisfied there is no prejudice to either party in this respect.
3. Following a site visit on 13 June 2023, I made a subsequent unaccompanied visit to view the site from the adjacent rear garden area of No. 131 Cecil Road.

Main Issues

4. These are the effect of the proposal upon:
 - the living conditions of adjoining occupants; and
 - the character and appearance of the area.

Reasons

Living conditions

5. The appeal site comprises a parcel of land accessed off Cecil Road and adjoined on three sides by dwellings. 131 Cecil Road (No. 131) is sited on higher land to the side, with its end gable and rear garden running adjacent to the site, separated by a close boarded timber fence. 21 Oakwood Drive (No. 21) is located to the rear, with its rear elevation and garden backing onto the site, separated by a low stone wall and mesh screen boundary. 12 Gower Rise (No. 12) is also on lower ground to the other side, with

its end gable followed by its side and rear garden running adjacent to the site, with a block wall and timber fence boundary between.

6. The proposed one and a half storey dwelling would be located with the principal front elevation facing towards No 12, and the rear elevation alongside the boundary with No 131 in close proximity to it.
7. Supplementary planning guidance set out in '*Placemaking Guidance for Infill and Backland Development* (Placemaking SPG), amongst other matters, advises on dwelling separation distances, and avoiding unacceptable impacts upon privacy, visual overbearing and overshadowing. I have treated this SPG as providing guidance only, rather than prescriptive thresholds.
8. No. 131, its rear lawned garden and seating area are raised significantly above the appeal site. Whilst the proposal would be in close proximity to much of No. 131's side garden boundary, its height would be limited to one and half storeys and would be considerably lower due to the ground level difference. In addition, the roof pitch would slope away from the boundary. As a result, whilst clearly visible from No. 131, the proposal would not appear visually dominant. I note No. 131's position to the north, however, I am satisfied that owing to the lower siting of the proposal, its one and half storey height and sloping roof form, it would not cause any significant overshadowing of the neighbouring property or its garden. Subject to a condition to obscure and restrict the opening of the north facing rooflights, there would also be no unacceptable loss of privacy for the occupants of No 131.
9. Turning to the effects of the proposal on the outlook from No. 21, this property lies to the east on lower ground. I acknowledge that the proposal would breach guidance in the SPG which advises at least 15m between an existing habitable room window and a blank two storey wall. However, having regard to the modest width and low eaves height of this elevation, which moderates its massing, the outlook from No. 21's rear facing windows would not be unduly harmed.
10. I note that No. 12 has a garden seating area along the northern boundary with the appeal site. However, the garden also wraps around No. 12's rear elevation and thus provides a more extensive area, with significant parts benefiting from a greater degree of physical separation from the proposal. Furthermore, although ground levels vary, the seating area is raised from the proposal's ground floor level and would also benefit from mutual boundary screening, interspersed with domestic planting above the wall and fence line. Whilst the proposal would be visible from this area of No. 12's garden, in the above context, it would not be dominant and there would be no significant harm to the outlook of No. 12's occupants. However, in order to sufficiently protect privacy within this part of No. 12's garden, it would be necessary for the first floor dormer window serving the proposal's bathroom to be obscured. Whilst it is not a habitable room, it would nevertheless be a large opening that would overlook No. 12's garden seating area from an elevated position, that would otherwise cause a high degree of perceived overlooking.
11. In the above circumstances, I conclude that the proposal would not cause harm to the living conditions of adjoining residents and would comply with Swansea Local Development Plan (LDP) Policy PS 2, which amongst other matters, requires all proposals to ensure that no significant adverse impacts would be caused to people's amenity. It would also comply with the aims of the Placemaking SPG.

Character and appearance of the area

12. I saw that within the site's context, properties on Cecil Road comprise predominantly two storey detached dwellings, with hipped roofs and bay windows, varying finishes, front gardens and driveways, to give a relatively contemporary character of no particular

distinctiveness. No. 131, as a one and a half storey property with gabled frontage, deviates from this overall character with respect to its size and form and thus contributes to a street frontage of varied appearance immediately next to the site.

13. The proposal would be set back from No. 131's building line, on lower ground and with visibility along Cecil Road concentrated to its immediate frontage. As a result, it would have a subservient presence, on the end of the developed perimeter of Cecil Road's fronting properties. The front gable's width and roof pitch would appear largely conventional and similar to other dwelling spans and roofs within the area. This would result in a proposal that would not appear unsympathetic or incongruous to the wider street scene character along Cecil Road.
14. As such, I conclude that the proposal would not cause harm to the character and appearance of the area and would comply with LDP Policy PS 2 and the Placemaking SPG, which seek to ensure development responds positively to aspects of local context and character.

Other Matters and Conditions

15. Both parties have referred to the site's extensive planning history for a single dwelling on site, which includes an extant outline planning permission (Ref: 2022/2178/S73) and a previous dismissal at appeal (Ref: APP/B6855/A/21/3281472). I have had regard to this planning history and have considered this appeal on its merits, which I consider to be materially different to previous proposals, in terms of the proposal's design, siting, size and subsequent impacts, as identified above.
16. As set out above, a condition is necessary to secure obscure glazing to safeguard privacy. The Council consider that the dormer bedroom window would have rendered sides, albeit it would appear that it contains a small 'cheek' window facing No. 21. For the avoidance of doubt, I have included this in the condition. In the event that the dormer would not contain a side cheek window, this is a matter that can be resolved between the parties. Whilst a section plan provides an indication of the dwelling's finished roof height relative to neighbouring dwellings, given the site's sloping nature, it is necessary to include a condition to require the submission of finished levels.
17. It is also necessary to include a condition to secure the provision of gigabit capable broadband infrastructure, to support the roll-out of digital communications infrastructure across Wales in accordance with Policy 13 of Future Wales.
18. It is not clear whether the scheme would require separate approval from the SuDS Approval Body. As a precaution, it is therefore necessary to include a condition to ensure the provision of adequate foul and surface water drainage, to prevent pollution of the environment and flooding.
19. I have made minor amendments to the wording of some of the Council's suggested conditions to align with the advice in Circular WGC 016/2014 'The Use of Planning Conditions for Development Management'.

Conclusion

20. For the reasons given above and having regard to all other matters raised, I conclude that the appeal should be allowed.
21. 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.

Richard James
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:

Site Location & Block Plan, Drawing No. 22-070 Rev 001

Proposed Sections Through Site, Drawing No. 22-070 Rev 006

Proposed Floor Plans, Drawing No. 22-070 Rev 03

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

3. No development shall take place, nor any demolition works or site clearance, until there has been submitted to and approved in writing by the local planning authority details of a scheme for the protection of trees. The approved scheme shall be carried out throughout the course of the development and shall include:
 - i) a plan, at scale 1:100, showing the position of every tree on the site and on land adjacent to the site (including street trees) that could influence or be affected by the development (to also include services, access drive and proposed boundary treatments), indicating which trees are to be removed; and
 - ii) in relation to every tree identified a schedule listing information as specified in paragraph 4.4.2.5 of British Standard BS5837:2012 - *Trees in Relation to Design, Demolition and Construction – Recommendations* and any proposed pruning, felling or other work; and
 - iii) in relation to every existing tree identified to be retained on the plan referred to in (i) above, details of any proposed alterations to existing ground levels, and of the position of any proposed excavation, that might affect the root protection area and all appropriate tree protection measures required before and during the course of development (in accordance with BS5837:2012); and
 - iv) areas of existing landscaping to be protected from construction operations and the method of protection.

Reason: To ensure that the development hereby permitted does not have a detrimental impact on the character and appearance of the area, in accordance with Policy PS 2 and ER 11 of the Swansea Local Development Plan (2010-2025).

4. No development or site clearance shall take place until there has been submitted to and approved in writing by the local planning authority a scheme of landscaping. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the dwellings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or

become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

Reason: To ensure that the development hereby permitted does not have a detrimental impact on the character and appearance of the area, in accordance with Policy PS 2 of the Swansea Local Development Plan (2010-2025).

5. No development shall commence until details of existing ground levels and proposed finished ground and floor levels have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

Reason: In order to safeguard the living conditions of neighbouring residents, in accordance with Policy PS 2 of the Swansea Local Development Plan 2010-2025.

6. No development shall take place until a scheme to enable the provision of gigabit capable broadband infrastructure from the site boundary to the dwelling hereby permitted 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: To support the roll-out of digital communications infrastructure across Wales in accordance with Policy 13 of Future Wales.

7. No development shall commence until a Construction Method Statement has been submitted to and approved in writing by the local planning authority. The approved statement shall be adhered to throughout the construction period. The approved statement shall provide for:
 - i) the parking of vehicles of site operatives and visitors; and
 - ii) loading and unloading of plant and materials; and
 - iii) storage of plant and materials used in constructing the development; and
 - iv) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate; and
 - v) wheel washing facilities; and
 - vi) measures to control the emission of dust and dirt during construction; and
 - vii) a scheme for recycling/disposing of waste resulting from construction works.

Reason: In the interests of highway safety, to safeguard public health and the living conditions of local residents and to ensure a proper standard of development in the interests of conserving the character and appearance of the area, in accordance with Policy PS 2 of the Swansea Local Development Plan (2010-2025).

8. No development shall take place until details of the construction of the car parking area, including levels, drainage and details of the finished surface and space demarcation have been submitted to and approved in writing by the local planning authority. Development shall be completed in accordance with the approved details prior to the occupation of the dwelling and the car parking spaces shall remain available for their designated use in perpetuity.

Reason: In the interests of highway safety, in accordance with Policy PS 2 and T 6 of the Swansea Local Development Plan (2010-2025).

9. No development shall take place until a scheme for biodiversity enhancement and a timetable for implementation 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 interest of maintaining and enhancing biodiversity, in accordance with Future Wales Policy 9.

10. Prior to the construction of the dwelling hereby approved details of the materials to be used in the construction of the external surfaces of the dwelling shall be submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

Reason: To ensure that the development hereby permitted does not have a detrimental impact on the character and appearance of the area, in accordance with Policy PS 2 of the Swansea Local Development Plan (2010-2025).

11. Prior to the occupation of the dwelling hereby approved a plan indicating the positions, height, design, materials and type of boundary treatment to be erected shall be submitted to and approved in writing by the local planning authority. The boundary treatment shall be completed as approved before the dwelling is occupied.

Reason: To ensure that the development hereby permitted does not have a detrimental impact on the character and appearance of the area and to safeguard the living conditions of local residents, in accordance with Policy PS 2 of the Swansea Local Development Plan (2010-2025).

12. Prior to the occupation of the dwelling hereby approved, the first floor bathroom dormer window facing No. 12 Gower Rise, the rooflights facing No. 131 Cecil Road and the bedroom dormer cheek window facing No. 21 Oakwood Drive shall be fitted with obscured glazing, details of which shall first be submitted to and agreed in writing by the local planning authority and any part of the windows that are less than 1.7m above the floor of the room in which they are installed shall be non-opening. The windows shall be permanently retained in that condition thereafter.

Reason: In order to safeguard the privacy of neighbouring residents, in accordance with Policy PS 2 of the Swansea Local Development Plan 2010-2025.

13. No development shall commence until details of a scheme for the disposal of foul and surface water has been submitted to and agreed in writing by the local planning authority. The scheme shall be implemented in accordance with the approved details prior to the occupation of the development and retained in perpetuity.

Reason: To prevent pollution of the environment and flooding by ensuring the provision of adequate foul and surface drainage. In accordance with Policy PS 2, RP 1 and RP 5 of the Swansea Local Development Plan (2010-2025).

14. No surface water and/or land drainage shall be allowed to connect directly or indirectly with the public sewerage system.

Reason: To prevent pollution of the environment, in accordance with Policy PS 2 and RP 1 of the Swansea Local Development Plan (2010-2025).

15. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended for Wales) (or any order revoking and re-enacting that Order with or without modification), Classes A, B, C and E of Part 1 of Schedule 2 shall not apply.

Reason: To ensure that the development hereby permitted does not have a detrimental impact on the character and appearance of the area and to safeguard the living conditions of neighbouring residents, in accordance with Policy PS 2 of the Swansea Local Development Plan (2010-2025).