



## Appeal Decision

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by Helen Smith BA(Hons) BTP MRTPI

an Inspector appointed by the Welsh Ministers

Decision date: 06/10/2023

Appeal reference: CAS-02774-X5M6X2

Site address: Providence Lane, Bishopston, Swansea, SA3 3EN

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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 Land Enhancement Services against the decision of the City and County of Swansea Council.
  - The application Ref 2022/2530/FUL, dated 25 October 2022, was refused by notice dated 9 February 2023.
  - The development proposed is a new dwelling and garage.
  - A site visit was made on 12 September 2023.
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### Decision

1. The appeal is dismissed.

### Procedural Matter

2. I have used the description of development from the Council's Decision Notice as it is more accurate.

### Main Issues

3. These are the effect of the proposed development on:
  - i) the character and appearance of the area;
  - ii) highway and pedestrian safety; and
  - iii) ecology.

### Reasons

#### *Character and appearance*

4. The appeal site consists of an undefined area of land within a larger open agricultural field, situated to the rear of the dwellings on Bishopston Road, with the playing fields of Bishopston Primary School to the east. The appeal site forms part of a larger open green space located between the built up areas of Bishopston and Murton. The site is bounded to the south by mature trees and hedges with a field access off Providence Lane. The western boundary of the site is bounded by the clearly defined rear boundary of a dwelling, No. 51b Bishopston Road. There is a Public Right of Way (PROW) running

along Providence Lane, which forms part of a wider network of well used PROW's, one of which runs along the eastern boundary of the larger open field, which the appeal site forms part of, leading to the school. Providence Lane is a narrow track, semi rural in character due to its mature tree and hedge boundaries and lack of built form along its eastern section.

5. Whilst the site and the wider area of undeveloped land is within the settlement boundary, as identified in the Swansea Local Development Plan (LDP), it forms a central open and attractive green space within Bishopston with a semi-rural character. Although the appeal site is unallocated, LDP Policy ER 2 seeks to ensure the protection and enhancement of existing green spaces that afford valuable ecosystem services and states that development that compromises the integrity of such spaces, and therefore that of the overall Green Infrastructure network, will not be permitted. The reasoned justification for Policy ER 2 clarifies that such areas may include both private and publicly owned green space of amenity value. It continues to reference the valuable green space within the centre of Bishopston, which the appeal site forms part of, as a prime example of such an area that is afforded protection under this policy.
6. Policy PS 2 of the LDP seeks to, amongst other things, ensure that developments enhance the quality of places and spaces and respond positively to aspects of local context and character that contribute towards a sense of place. The Council's Placemaking Guidance for Infill and Backland Development Supplementary Planning Guidance (SPG) provides guidance on how to develop suitable infill and/or backland plots for new homes in a manner that respects the character of the local neighbourhood and enhances a sense of place. It advises that priority will be given to preserving or enhancing the character of the streetscene or lane.
7. Owing to its location outside of the strongly defined rear boundaries of the properties on Bishopston Road, and its ad hoc position within the open field, the proposed development would fail to respect the settlement pattern of the immediate area. There are limited natural features between the site and the wider green space, and so boundaries would require formalisation, in this case, comprised of man-made timber fencing along the north and east boundaries. Consequently, the proposal would be a noticeable and piecemeal intrusion that would erode this attractive area of open green space.
8. Despite its proximity to the built up area, the appeal site by reason of its location on the undeveloped section of Providence Lane, is semi rural in character and is viewed in the context of the open field. The proposal would introduce a large detached two storey dwelling and a detached garage together with parking and turning areas and a garden with associated domestic paraphernalia. It would therefore result in a significant urbanisation of this section of the open green space and lane. Given its ad hoc position and despite its mature boundary with the lane, the proposed development would be visually prominent from the well used PROW on Providence Lane, and from wider views from the PROW to the east of the site. Consequently, the development would result in an incongruous development out of character with its semi-rural surroundings.
9. I conclude that the proposal would cause significant harm to the character and appearance of the area, contrary to policies ER 2 and PS 2 of the LDP and the objectives of the SPG.

#### *Highway and pedestrian safety*

10. Providence Lane is a narrow unlit rough track with no footways, accessed off Bishopston Road. The lane serves as vehicle access to a small number of properties and the field access serving the appeal site. It also serves a hall which I understand is used by the Girl

Guide Movement, albeit information provided by the appellant suggests that visitors are encouraged to make use of free parking on Bishopston Road and walking and public transport options. At its entrance, the lane includes a grass verge demarcated by low stones, before it narrows to a 'pinch point' and then widens closer to the appeal site, terminating at a barrier to a private access serving the hall. The lane's access onto Bishopston Road, which has a 20mph speed limit, is located immediately to the south of a dedicated parking bay which can accommodate several vehicles. Large sections of Bishopston Road are subject to double yellow lines resulting in the few areas of unrestricted parking being in high demand.

11. Policy T 5 of the LDP seeks to ensure, amongst other things, that developments provide a safe, attractive environment for pedestrians, cyclists and other non motorised modes of transport and allows for the safe, efficient and effective movement of vehicles, including service vehicles. Policy T 7 of the LDP states that developments that significantly adversely affect the character, safety, enjoyment and convenient use of a PROW will only be permitted where an acceptable alternative route is identified and provided.
12. The development would use the substandard Providence Lane as the sole access for its occupants, and for visitors and service traffic. Its use would therefore be increased by the development on a daily basis, including by large service or delivery vehicles. Given that the PROW on the lane links to the wider footpath network leading to the nearby primary school, comprehensive school and Murton to the east, in addition to users of the hall arriving on foot, the lane is likely to be used regularly by pedestrians. Having regard to the limited facilities for pedestrians along the lane, I consider that any increase in vehicular traffic would significantly increase the risks to pedestrian safety.
13. The proposed development would include alterations to the lane by increasing its width to approximately 5.5m for a distance of around 12m from the access point. The lane would then narrow to the 'pinch point' and be widened to a width of about 4.1m for the length of the appeal site. Parts of the lane would be resurfaced. Nonetheless, owing to the lane's remaining narrow width, limited passing bays, and limited areas for pedestrian refuge, there is insufficient space for vehicles, pedestrians and cyclists to pass each other safely. The intensification in the use of this lane increases the likelihood of vehicles having to undertake awkward reversing manoeuvres along sections of this narrow substandard well used lane and PROW, to accommodate any oncoming vehicles and pedestrians, resulting in the potential for conflict between vehicles and pedestrians.
14. The proposed development involves alterations to the existing access, which include its widening to accommodate two way traffic and a new footway junction build out into Bishopston Road, to enable the provision of visibility splays of 2.4m x 43m in both directions. However, there is a dedicated parking bay, which can accommodate several vehicles directly adjacent the proposed widened access which lies within the majority of the visibility splay to the north. Any vehicles using these dedicated parking bays would obstruct the visibility of vehicles when egressing Providence Lane. I find that owing to the limited on street parking, the proximity to the schools and other services such as the convenience store, it is likely that these dedicated parking bays would be frequently occupied by vehicles, particularly during school drop off and pick up times. Consequently, the intensification of the use of the access to the lane, despite the proposed highway works and the low speeds on Bishopston Road, would cause a risk of conflict between vehicles egressing the site and those traveling south on Bishopston Road, to the detriment of highway safety.
15. For the forgoing reasons, I conclude that the proposed development would result in material harm to highway and pedestrian safety. This would be contrary to policies T 5 and T 7 of the LDP.

### *Ecology*

16. I am satisfied that biodiversity enhancements and lighting could be controlled by planning conditions. However, LDP Policy ER 8 seeks to ensure that development proposals do not have a significant adverse effect on the resilience of protected habitats and species. Policy ER 9 states that development proposals will be expected to maintain, protect and enhance ecological networks and features of importance for biodiversity and that particular importance will be given to maintaining and enhancing connectivity of ecological networks which enable the dispersal and functioning of protected and priority species.
17. Other than the Arboricultural Report which identified the removal of 2 trees to facilitate the development, no ecological surveys of the site have been submitted. Despite the grazed nature of a large part of the site, which can have limited ecological value, there is an area of ungrazed vegetation in the south west corner of the site. The site's boundary adjacent to Providence Lane also consists of mature trees and hedges, which are important biodiversity features which can support a range of wildlife and provide ecological connectivity. The Council's Ecologist has confirmed that there are semi-natural habitats on/adjacent to the application site and that there are also records of bats, badgers and amphibians in the area. Consequently, surveys are required to establish whether any important habitats and protected species are likely to be affected by the proposed development and to identify any need for mitigation. In the absence of this information, there is insufficient evidence to demonstrate that the proposed development would not cause any significant loss of habitats or population of species. I conclude that the proposal would be harmful to ecological interests, contrary to Policies ER 8 and ER 9 of the LDP.

### **Other Matters**

18. I note the representation in relation to the drainage of surface water from the proposed development. However, given the scale of the development, the issue of surface water drainage would be considered under separate consenting regimes relating to Sustainable Drainage Systems.

### **Conclusion**

19. For the reasons set out above, and having regard to all matters raised, the appeal is dismissed.
20. 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.

*H Smith*

INSPECTOR