



Penderfyniad ar yr Apêl

Ymweliad â safle a wnaed ar 07/06/21

gan **P J Davies, BSc (Hons) MA MRTPI**

Arolygydd a benodir gan Weinidogion Cymru

Dyddiad: 1/7/21

Appeal Decision

Site visit made on 07/06/21

by **P J Davies, BSc (Hons) MA MRTPI**

an Inspector appointed by the Welsh Ministers

Date: 1/7/21

Appeal Ref: APP/Y6930/A/21/3272178

Site address: Land adjacent to 161B New Road, Skewen, Neath, SA10 6HD

The Welsh Ministers have transferred the authority to decide this appeal to me as the appointed Inspector.

- 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 Mrs Pauline Tilbrook against the decision of Neath Port Talbot County Borough Council.
 - The application Ref: P2020/0900 dated 1 October 2020, was refused by notice dated 5 February 2021.
 - The development proposed is construction of 2 No. 1-bedroom flats.
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Decision

1. The appeal is allowed and planning permission is granted for construction of 2 No. 1-bedroom flats on land adjacent to 161B New Road, Skewen, Neath, SA10 6HD in accordance with the terms of the application, Ref: P2020/0900 dated 1 October 2020, subject to the conditions set out in the attached schedule.

Main Issues

2. These are the effect of the proposal on the character and appearance of the area, and the living conditions of the occupants of Nos 161A and B New Road.

Reasons

Character and appearance

3. This part of New Road has a mixed commercial and residential character and most buildings are comprised of gable ended semi-detached pairs or terraces with continuous roof slopes albeit with some minor roof additions and variations in height. The proposed development would also appear in the street scene as a gabled pitch roof property. The external finishes would be consistent with those found in the locality and the siting of the proposal respects the building line and the linear development pattern. The proposal would thus follow the prevailing layout and architectural style of its context. The Council accepts that the architectural design of the principal elevation would not harm the street scene but consider that the design of the proposal could be made better. In particular, it is suggested that an integrated design approach with the adjacent properties would be more favourable. Nonetheless, the proposal in its present form would be compatible with its surroundings. It would not harm the character or appearance of the area and it would comply with Policy BE1

of the Neath Port Talbot Local Development Plan (LDP). Irrespective of what might be considered a better design, these are material considerations that weigh in favour of the development.

Living conditions

4. Nos 161A and B are flats contained within the building adjacent to the site. The side elevation facing the site contains windows, including two, one at ground floor and one at first floor, that relate to habitable rooms. The proposed development would be close to Nos 161 A and B, nonetheless, where it runs alongside the habitable room windows, it would be stepped in to create a separation distance of around 2.5 metres. At this point, the height of the proposed building would be stepped down below the front section of the development, and the roof would slope away from Nos 161A and B. These design factors would be sufficient in my view to allow for sufficient outlook and light penetration. I therefore find that there would be no material harm to the living conditions of the occupants of Nos 161A and B New Road, and the proposal would comply with LDP Policy BE1.

Conditions

5. I have had regard to the Council's suggested conditions. Conditions requiring obscure glazing in the east and west side elevations are necessary to safeguard the privacy of neighbouring residents. A condition relating to any boundary treatment is necessary in the interests of visual amenity, and a condition relating to the provision of bin and cycle storage is necessary in the interests of residential amenity and to ensure sustainable transport choices. It is not necessary to require a condition relating to external materials as these are specified on the approved plan and would be subject to the plan compliance condition. Given the dense nature of the development, and the proximity to neighbours, conditions that remove permitted development rights for alterations, additional windows, and outbuildings are necessary in the interests of visual and residential amenity. To achieve conciseness, I have made minor adjustments to the wording of some conditions without changing their overall aim.

Conclusions

6. In reaching my decision, I have taken account of 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 as required by section 8 of the WBFG Act.
7. For the above reasons, and having regard to all matters raised, the appeal is allowed.

P J Davies

INSPECTOR

Schedule of Conditions

- 1) The development shall begin not later than five years from the date of this decision.
Reason: To comply with section 91 of the Town & Country Planning Act 1990.
- 2) The development shall be carried out in accordance with the following approved plans: 202102. 01 C Ground Floor Plan; 202102. 02 C First Floor and Elevations; 202102. 03 B Location and Block Plan.
Reason: In the interests of clarity.
- 3) Prior to the first beneficial use of the development hereby approved, all windows on the east side elevation serving the hallway shall be fitted with obscured glazing, privacy Level 4, and any part of the window that is less than 1.7m above the floor of the room in which it is installed shall be non-opening. The windows shall be permanently retained as such thereafter.
Reason: In the interest of the privacy of neighbouring residents (LDP Policy BE1).
- 4) Prior to the first beneficial use of the development hereby approved, all windows on the west side elevation serving the bathrooms shall be fitted with obscured glazing, privacy Level 5, and any part of the window that is less than 1.7m above the floor of the room in which it is installed shall be non-opening. The windows shall be permanently retained as such thereafter.
Reason: In the interest of the privacy of neighbouring residents (LDP Policy BE1).
- 5) Prior to the occupation of the development hereby approved a scheme indicating the positions, height, design, materials and type of any 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, prior the first beneficial occupation of the development and retained as such thereafter.
Reason: In the interest of visual amenity (LDP Policy BE1).
- 6) Prior to first beneficial occupation of the development hereby approved, facilities for the secure storage of cycles and bins shall be implemented in accordance with drawing Ground Floor Plan 202102.01 C, and such facilities shall thereafter be retained as approved at all times.
Reasons: In the interests of residential amenity and to ensure sustainable transport choices (LDP Policies BE1 and TR2).
- 7) Notwithstanding the provisions of schedule 2, part 1, Class E 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), no buildings shall be erected other than those expressly authorised by this permission and identified on the approved plans.
Reasons: In the interests of visual and residential amenity (LDP Policy BE1).
- 8) 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), there shall be no extension or external alteration to any building forming part of the development hereby permitted without the prior grant of planning permission in that behalf.

Reasons: In the interests of visual and residential amenity (LDP Policy BE1).

- 9) 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), no doors, windows or dormer windows (other than those expressly authorised by this permission) shall be constructed without the prior grant of planning permission in that behalf.

Reasons: In the interests of visual and residential amenity (LDP Policy BE1).