
Penderfyniad ar yr Apêl

Ymweliad â safle a wnaed ar 17/05/21

**gan Paul Selby, BEng (Hons) MSc
MRTPI**

Arolygydd a benodir gan Weinidogion Cymru

Dyddiad: 2/6/21

Appeal Decision

Site visit made on 17/05/21

by Paul Selby, BEng (Hons) MSc MRTPI

an Inspector appointed by the Welsh Ministers

Date: 2/6/21

Appeal Ref: APP/Y6930/D/21/3273488

Site address: 13 Pier Way, Sandfields, Port Talbot, SA12 7NR

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 Mr Andrew Morgan against the decision of Neath Port Talbot County Borough Council.
 - The application Ref: P2021/0038 dated 15 January 2021, was refused by notice dated 25 February 2021.
 - The development proposed is first floor rear extension.
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Decision

1. The appeal is allowed and planning permission is granted for a first floor rear extension at 13 Pier Way, Sandfields, Port Talbot, SA12 7NR, in accordance with the terms of the application, Ref: P2021/0038 dated 15 January 2021, subject to the following conditions:
 - 1) The development hereby permitted 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 hereby permitted shall be carried out in accordance with the following approved plans: Site Plan (Ref PH21/2/3A); Existing and proposed elevations, floor and roof plans (Ref PH21/2/1A).

Reason: To ensure the development is carried out in accordance with the approved plans submitted with the application.
 - 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.

Reason: In the interests of the area's character and appearance, in accordance with policy BE1 of the Neath Port Talbot Local Development Plan 2011-2026.

Main Issue

2. This is the effect on the living conditions of occupants of No. 15 Pier Way, having particular regard to light and outlook.
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Reasons

3. The appeal site accommodates a semi-detached two-storey, hipped roofed dwelling. The property has been extended to the rear via a flat roofed single storey extension of similar width to the original rear elevation. The rear of the appeal dwelling and its neighbour at No. 15 face in a southerly direction across gardens of moderate length. The boundary between these gardens is formed by a rendered wall.
4. The Council has adopted Supplementary Planning Guidance (SPG) entitled 'Design' which provides advice on the implementation of policy BE1 of the Neath Port Talbot Local Development Plan (LDP). Amongst other things the SPG advises using a '45-degree code' to gauge the effect of first floor extensions to semi-detached properties on neighbouring properties' light and outlook.
5. The flank elevation of the rear extension would be sited close to the shared boundary with No. 15. The Council estimates that the proposed extension would breach the 45-degree angle by 0.52 metres measured from the mid-point of No. 15's ground floor patio door, which I saw appeared to serve a living room. Whilst I have no reason to disagree with these calculations, an otherwise predominantly open outlook would remain available from the affected window across rear gardens towards the south and southwest. The extension's hipped roof form and limited depth relative to the length of the gardens would also assist in avoiding a harmful sense of overbearing within the neighbouring property.
6. The height and mass of the proposal relative to the existing single storey extension would increase the amount of shadow cast onto No. 15's rear elevation and into its rear garden. However, due to the properties' orientation and the form and position of the proposed extension, the shadow cast would be mainly limited to summer mornings, and would not be of an extent or duration which would unacceptably reduce daylight or sunlight penetration to the rear of No. 15.
7. The Council does not allege other amenity impacts on neighbouring occupiers, including in relation to overlooking, and I have no reason to find otherwise. For the above reasons I conclude that the proposal would not harm the living conditions of occupants of No. 15, and would therefore accord with the objective of LDP policy BE1 to avoid significant adverse impacts on the amenity of occupiers of adjacent land, and with the overall aims of the Council's SPG.

Other Matters

8. I have considered the other matters raised, including in relation to parking and accessibility for neighbouring occupiers, but none alter my conclusion. For the reasons given above I conclude that the appeal should be allowed.
9. In reaching my decision, I have taken account of the requirements of the Well-Being of Future Generations (Wales) Act 2015 and consider that this decision contributes towards the well-being objective of building healthier communities and better environments.

Paul Selby

INSPECTOR