
Penderfyniad ar yr Apêl

Ymweliad â safle a wnaed ar 26/07/21

gan J Burston, BSc MA MRTPI AIPROW

Arolygydd a benodir gan Weinidogion Cymru

Dyddiad: 23/8/21

Appeal Decision

Site visit made on 26/07/21

by J Burston, BSc MA MRTPI AIPROW

an Inspector appointed by the Welsh Ministers

Date: 23/8/21

Appeal Ref: APP/Y6930/A/21/3271815

Site address: 28 Wern Road, Ystalyfera, SA9 2LY

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 Terry Casey against the decision of Neath Port Talbot County Borough Council.
 - The application Ref: P2020/1086 dated 30 November 2020, was refused by notice dated 15 February 2021.
 - The development proposed is the change of use of existing ground floor retail space (Use Class A1) to residential use (Use Class C3) to result in a single dwelling house.
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Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Mr Terry Casey against Neath Port Talbot County Borough Council. This application is the subject of a separate Decision.

Procedural Matters

3. This appeal was initially made as one against non-determination. However, the Town and Country Planning (Development Management Procedure) (Wales) (Amendment) Order 2015 introduced a 4-week period of "dual jurisdiction" between the local planning authority (LPA) and the Planning Inspectorate where an appeal has been lodged for non-determination. This allows an LPA to continue to determine an application for planning permission during the first 4 weeks of an appeal being made against non-determination. The LPA provided a decision notice dated 21 April 2021 which is within the four-week period. Accordingly, I have determined this appeal as one against planning refusal of planning permission, rather than non-determination.
 4. 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 objectives of making our cities, towns and villages even better places in which to live and work.
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Main Issues

5. The main issues in this appeal are the effect of the proposed development on:

- The character and appearance of the area; and
- Highway safety, with particular regard to parking.

Reasons

6. The Council does not object to the change of use from retail space to a residential use and from the evidence before me I see no reason to disagree. Nevertheless, the Council has raised concerns relating to the proposed garage door and permanent vehicular access, and it is these matters I address in this decision.

Character and appearance

7. The appeal property, 28 Wern Road, is a two-storey, double fronted, mid terrace dwelling, which was formally a retail premises. Wern Road is a busy through road and bus route.
8. This part of Wern Road contains a number of other retail shops and services. However, the area is primarily residential in character, with terraced housing on both sides of the road.
9. The garage would be constructed by removing one of the existing front ground floor windows and wall and replacing it with an electric roller shutter garage door. Whilst the external alterations do not enlarge the appeal property, the garage door noticeably contrasts with the more modest proportions of No 28. From Wern Road, the garage, even with the use of sympathetic materials, would draw the eye as a substantial and prominent feature that in my opinion disrupts the otherwise composed and modest style of the host building. Moreover, the proposal would erode the legibility of the building and would diminish its role in the historic development of the local area.
10. I have had due regard to the other example of an integral garage on Wern Road cited by the appellant to support his case. However, whilst it is a consideration, I do not know the circumstances of the example to determine how similar it is to the case now before me. Having carefully weighed matters up, though, the presence of the development referred to does not outweigh the harm that I have identified, due largely to its visual prominence and particular location.
11. On this main issue, I conclude that the development causes significant harm to the character and appearance of the host building and the local area. Accordingly, it is contrary to Neath Port Talbot Local Development Plan (LDP) Policy BE1, which aims to, amongst other matters, ensure development complements and enhances the character and appearance of the site and that it respects the context of the site, the local historic and cultural heritage.

Highway safety

12. Wern Road is a busy through road. The appeal property is set back from the road behind an enclosed front courtyard and pavement. This courtyard is partially obscured from drivers travelling northeast by the neighbouring boundary wall. There is an existing dropped kerb which would have facilitated off street parking of vehicles associated with the use of the shop.

13. Any cars parked close to and on the northeast side of the access would obstruct forward visibility of the crossover from approaching drivers and cyclists. They would similarly obstruct the visibility of any drivers exiting the driveway, particularly if they were reversing into the highway. As a consequence, the use of the driveway to access the proposed garage and parking space would generate hazards for other road users.
14. Equally, the proposed driveway would not be of a sufficient area to ensure that vehicles could enter and leave the site in a forward gear; thus, use of the access would involve either reversal into or off the highway, with consequent manoeuvres taking place on this busy road.
15. I acknowledge that the ground floor use of the appeal property would have involved a number of vehicle movements including deliveries, given its use as a shop. Nevertheless, the appellant points out that removeable bollards were installed to prevent customers from parking off-road and these were only removed for deliveries. Customers would have therefore parked on the street. Whilst delivery vehicles would have had to negotiate similar highway manoeuvres to that set out above, these would be less intensive than that of a residential dwelling. Therefore, I give limited weight to this fall-back position.
16. For these reasons I conclude on this issue that the proposal would have an unacceptable impact on pedestrian and vehicular highway safety. It would therefore conflict with LDP policies BE1 and TR2, which, amongst other considerations, require that development proposals would not have a significant adverse impact on highway safety and does not compromise the safe, effective and efficient use of the highway network.

Other matters

17. The personal circumstances of the appellant are fully noted and there is no doubt that the proposal would be of considerable benefit to the appellant. However, in this instance the resultant highway safety risks, coupled with the harm to the character of the area, would outweigh such benefits.

Conclusion

18. Therefore, for the reasons set out above, and taking into account all other matters raised, the appeal is dismissed.

J Burston

INSPECTOR