



Appeal Decision

by M R Lowe BA(Hons) BTP MPA MRTPI

an Inspector appointed by the Welsh Ministers

Decision date: 14/10/2024

Appeal reference: CAS-03677-B1G1Y7

Site address: 9 Cambrian Place, Port Talbot SA13 1HD

- 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 Claire Francis against the decision of Neath Port Talbot County Borough Council.
 - The application Ref P2024/0191, dated 22 March 2024, was refused by notice dated 31 May 2024.
 - The proposed development is a first floor rear extension with flat roof.
 - A site visit was made on 24 September 2024.
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Decision

1. The appeal is dismissed.

Main Issues

2. These are the effect of the proposed development on the living conditions of the occupants of No.10 Cambrian Place and the future occupants of the development, and the personal need for the development.

Reasons

3. The appeal relates to a two storey, mid terraced dwelling with a rear part single, part two storey rear projection. The proposal is for a first floor rear extension that would be built on part of the single storey element of this projection. The adjoining property, No.10, has two first floor bedroom windows, one on the main wall and one on an existing rear projection both of which face towards the rear garden. Furthermore, there are two large ground floor kitchen/lounge windows one within the main wall and one within the existing projection facing towards the appeal site.
4. In relation to terraced properties, and with the objective of retaining an appropriate level of amenity for adjoining properties, the Council's Design Supplementary Planning Guidance (July 2017) (SPG) sets out criteria for rear extensions. This includes a maximum permitted projection at first floor level of 3.6m (Paragraph B.2.5). Paragraph B.2.4 explains that the projection should be measured from the main rear wall supporting

the main pitched roof of the dwelling excluding any projecting rear wing whether original or not. Therefore, the historic evidence relating to the age of the rear projection has little bearing on the assessment of the proposal against the SPG. In the circumstances, the proposed development would substantially exceed this recommended SPG distance.

5. I saw that the appeal dwelling's existing rear projection already has a degree of impact on the outlook and light reaching all the windows in No.10 that I have identified above. However, the proposal would significantly increase the depth and mass of built form at first floor level within close proximity to the boundary with No.10. Due to their elevated position in relation to the proposed development, the outlook and light to the first floor bedroom windows in No.10 would not be significantly reduced by the proposal. However, the height, scale and proximity of the extension to the ground floor kitchen/lounge windows located to the east of No.10, would create a "tunnelling effect" (para B.2.1) referred to in the SPG. This would result in an oppressive outlook for the neighbouring occupants when using these rooms. Furthermore, the scale and proximity of the proposal would result in a significant loss of morning sunlight and daylight into these windows. These impacts would combine to result in significant harm for the occupants of this property.
6. The proposed extension would involve the creation of a bedroom with a side window facing No.10 which would be obscure glazed. Although the bedroom would be accompanied by a roof window, this would be located far above eye level and therefore the side window would be the sole source of outlook for the future occupants of this room. Without any open aspect through this window, the room would be an enclosed and visually oppressive space. This would result in a poor, unacceptable standard of accommodation for the future occupants of this habitable room. That other loft conversion windows in the area might have similar impacts would not be a good reason for allowing this harm.
7. I conclude that the proposal would cause significant harm to the living conditions of the existing occupants of No.10 and the future occupants of the proposed development. This would be contrary to Policy BE1 of the Neath Port Talbot County Borough Council Local Development Plan (2011-2026) Adopted January 2016 which seeks to ensure that proposals do not have a significant adverse effect on the amenity of occupiers of adjacent land or the community and its overriding expectation that all development proposals demonstrate high quality design. The proposal would also conflict with the SPG.
8. The appellant has referred to effects that refusing planning permission would have on their family life, in particular the loss of additional space. In reaching my decision, I have had due regard to the needs of a disabled family member which the development is intended to meet, and the family circumstances that have led to the proposal. I attach considerable weight to the development's benefits in this regard. However, the proposal would cause a loss of outlook and light to the neighbouring property and would result in unsatisfactory living conditions for the future occupants of the development. This harm weighs significantly against the appeal. I therefore find that dismissing the appeal would be proportionate and necessary in the circumstances.

Other Matters

9. I have had regard to the fact that the Council has not raised any objections to the scheme in relation to character, disturbance or traffic movements. However, absence of harm is a neutral outcome, and this does not alter my decision.

Conclusion

10. For the above reasons and having had regard to all matters raised I conclude that the appeal should be dismissed. 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.

M R Lowe

INSPECTOR