

**NEATH PORT TALBOT COUNTY BOROUGH COUNCIL
CYNGOR BWRDEISTREF SIROL CASTELL-NEDD PORT TALBOT**

**TOWN AND COUNTRY PLANNING ACT 1990
THE TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT
PROCEDURE) (WALES) ORDER 2012**

REFUSAL OF PLANNING PERMISSION

Name and address of the applicant

**Mr Francis Allareba
15 Bethel Street
Briton Ferry
Neath
Neath Port Talbot
SA11 2HQ**

Name and address of the agent

**Mr Husam Sami
CCS Solutions Ltd
39 Tan Y Lan Terrace
Morriston
Swansea
SA6 7DU**

DATE REGISTERED: 6 June 2024

APPLICATION NO: P2024/0322

LOCATION: 15 Bethel Street, Briton Ferry, Neath, Neath Port Talbot, SA11 2HQ

PROPOSAL: Change of use from single dwelling class C3 to 5 bedroom HMO class C4 and construction of single storey rear extension

THE NEATH PORT TALBOT COUNTY BOROUGH COUNCIL AS THE LOCAL PLANNING AUTHORITY IN PURSUANCE OF ITS POWER UNDER THE ABOVE MENTIONED ACT AND ORDER HEREBY REFUSES TO PERMIT THE PROPOSED DEVELOPMENT FOR THE FOLLOWING REASONS:-

Reasons For Refusal:-

1 The proposed development by reason of the proposed layout would result in the creation of a HMO with two ground floor bedrooms where neither the future residents nor the applicant would have control over safeguarding light and outlook from the only windows to serve the bedrooms, thereby resulting in an inadequate level of residential amenity to bedrooms 1 and 2, to the detriment of the residential amenity and well-being of the future occupiers of these rooms. It is therefore considered that the proposed development would fail to demonstrate high quality design and would be contrary to policy BE1 of the Neath Port Talbot Local Development Plan and would not accord with the guidance within the Council's SPG: Design and Planning Policy Wales (Edition 12).

2 The proposed development would result in an increase in pressure upon the existing limited on-street car parking provision available within Bethel Street, resulting in an increase in potential conflict and further indiscriminate on-street parking to the detriment of the free

flow of traffic and highway and pedestrian safety and would be contrary to policy TR2 of the Neath Port Talbot Local Development Plan.

3 The proposed development would fail to provide adequate flood management through the provision of a substandard Flood Safe Refuge Area to serve the occupiers of the three proposed ground floor bedrooms resulting in an increase in the number of people at risk and would be contrary to the guidance within TAN 15: Development and Flood Risk.

The decision to refuse planning permission has been taken in accordance with Section 38 of The Planning and Compulsory Purchase Act 2004, which requires that, in determining a planning application the determination must be in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan comprises Future Wales - the National Plan 2040 and the Neath Port Talbot Local Development Plan (2011-2026) adopted January 2016.

It is considered that while the proposed development would have no detrimental impact upon the character and appearance of the surrounding area, it would fail to provide adequate residential amenity for the future occupiers of a bedrooms 1 and 2; it would also fail to demonstrate adequate flood management due to the insufficient size of the Flooding Safe Refuge area to accommodate the three residents of the proposed ground floor bedrooms and would also result in increased conflict and indiscriminate on-street car parking to the detriment of the free flow of traffic along Bethel Street, to the detriment of highway and pedestrian safety. As such it is considered that the proposed development would be contrary to policies BE1 and TR2 of the Neath Port Talbot Local Development Plan; the guidance within Neath Port Talbot's Supplementary Planning Guidance: Design; the Guidance within TAN 15: Development and Flood Risk and Planning Policy Wales (Edition 12).

Signed:



Ceri Morris – Head of Planning & Public Protection

Date: 6 November 2024

IMPORTANT INFORMATION: TOWN AND COUNTRY PLANNING ACT 1990

The applicant's attention is drawn to the notes below.

1. If the applicant is aggrieved by the decision of the Local Planning Authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Welsh Government under Section 78 of the Town and Country Planning Act 1990 (as amended).
2. You can also appeal to the Welsh Government against a decision to refuse permission or grant subject to conditions in respect of applications made for :- Listed Building or Conservation Area Consent; Consent under a Tree Preservation Order; Advertisement Consent.
3. You can also appeal If your application for a Certificate of Lawful Existing Use or Lawful Proposed Use is partly or wholly refused or is granted differently from what you asked for (under Section 195/196) of the Town and Country Planning Act 1990 (as amended).
4. If you are aggrieved of the LPAs decision, the following deadlines apply for appeals to be submitted to the Welsh Government (from the date of the Council's decision):-
 - Planning Permission (with the exception of Minor Commercial and Householder applications – see below) Within 6 Months
 - Householder Appeal see endnote i Within 12 weeks
 - Minor Commercial Appeal see endnote i Within 12 weeks
 - Listed Building or Conservation Area Consent appeals Within 6 months
 - Tree Preservation Order (TPO) Consent Within 28 days
 - Advertisement Consent Within 8 weeks
 - Certificate of Lawfulness of Existing (Section 191) or Proposed (Section 192) Use or Development Within 6 months
 - Hazardous Substances Consent Within 6 months
5. Appeals must be made on a form which is obtainable from the Planning & Environment Decisions Wales, Crown Buildings, Cathays Park, Cardiff, CF10 3NQ – Tel 0300 060 4400, or online at <https://planningcasework.service.gov.wales/>.
6. The Welsh Government has power to allow a longer period for the giving of notice of appeal but they will not normally be prepared to exercise this power unless there are special circumstances which excuse the delay in giving notice of appeal.
7. The Welsh Government is not required to entertain an appeal if it appears to them that permission for the proposed development could not have been granted having regard to the statutory requirements to the provisions of the development order, and to any directions given under the Order. They do not in practice refuse to entertain appeals solely because the decision of the Local Planning Authority was based on a direction given by them.
8. If permission to develop land is refused or granted subject to conditions, whether by the Local Planning Authority or by the Welsh Government, and the owner of the land claims that the land has become incapable of reasonable beneficial use in its existing state and cannot be rendered capable of reasonable beneficial use by the carrying out of any development which has been or would be permitted, he may serve on the County Borough Council, in which the land is situated, as the case may be, a **purchase notice** requiring that Council purchase his interest in the land in

accordance with the provisions of Part VI of the Town and Country Planning Act 1990.

Making an Appeal

9. Please note that for all applications received by the LPA after 5th May 2017, it is now a requirement that any appeal made to the Planning Inspectorate (other than Householder and Minor Commercial Appeals, and appeals against refusal to grant advertisement consent) must be accompanied by all the information and evidence you intend to rely upon (a **“full statement of case”**). You must also send a copy of the notice of appeal and full statement of case to the LPA.
10. In addition, for ‘planning appeals’ an amendment to an application following notice of appeal may only be made to correct an error.
11. Additional details and information on making an appeal to the Welsh Government is available from the Planning Inspectorate at the above address and website. The relevant documents are entitled “making your planning appeal” and “planning appeals Public Local Inquiries”.
12. Further correspondence regarding this application should bear the reference number quoted on the top of the decision notice.

THIS NOTICE RELATES ONLY TO A PLANNING DECISION AND DOES NOT RELATE TO OTHER LEGISLATION INCLUDING ANY LEGISLATION UNDER:

- BUILDING REGULATIONS – Please contact buildingcontrol@npt.gov.uk or 01639 686820 to discuss all aspects of the service that is offered by Building Control
- HIGHWAY LEGISLATION

IF PLANNING CONSENT HAS BEEN GRANTED IT IS ADVISABLE TO ESTABLISH WHETHER ANY OTHER FORM OF CONSENT IS REQUIRED AND TO OBTAIN SUCH CONSENT BEFORE COMMENCING DEVELOPMENT

ⁱ Please see the [Town and Country Planning \(Referred Applications and Appeals Procedure\) \(Wales\) Regulations 2017](#) for appeal procedures and for full definitions of:

- *“householder application”* (essentially an application for the enlargement, improvement or other alteration of a dwellinghouse, or development within the curtilage of such a dwellinghouse, or change of use to enlarge the curtilage of a dwelling house)
- *“householder appeal”* means an appeal in relation to a householder application, but excludes an appeal against conditions on the grant of planning permission; or an appeal which is accompanied by an enforcement or listed building consent appeal.
- *“minor commercial application”* (essentially relates to existing buildings of no more than 250 square metres gross external floor space at ground floor level, currently in use for any of the purposes set out in Schedule 1A to The Town and Country Planning (Development Management Procedure) (Wales) (Amendment) Order 2015 which is an application for change of use from Class A1 to A2 or A3; or Class A2 to A3); or the carrying out of building or other operations to a shop front.
- *“minor commercial appeal”* means an appeal in relation to a minor commercial application but excludes an appeal against conditions on the grant of planning permission; or an appeal which is accompanied by an enforcement or listed building consent appeal.