

OFFICER REPORT

Application Number: P2026/0224

Site Address: Land To Rear Of 9 Maes Llwynonn Cadoxton Neath Port Talbot SA10 8AQ

Proposal: Outline application for 1.no detached dwelling and associated parking with access, layout and scale to be considered (appearance and landscaping reserved).

Applicant: Mr Alun Morgan

Agent: Mr Matt John

Ward: Cadoxton

Application Type: Outline Application

Valid Date: 9th April 2026

Statutory Expiry Date: 3rd June 2026

Ext. of Time / PPA date: 10th June 2026

Publicity Expiry Date: 13th May 2026

RECOMMENDATION - Refused

SITE AND CONTEXT

The application site comprises the rear portion of the residential curtilage associated with a detached dwelling known as No. 9 Maes Llwynonn, situated within the established residential area of Cadoxton, Neath. The host property occupies a plot within a predominantly residential setting characterised by a mix of detached and semi-detached dwellings, typically set within clearly defined garden boundaries. No. 9 Maes Llwynonn benefits from a private front garden and an enclosed rear garden, which currently provides usable private amenity space for the occupants. The application site forms part of this rear garden area and is presently domestic in character. The existing

dwelling is served by off-street parking provision, comprising a private driveway and a garage.

The northern boundary of the application site is defined by a historic stone wall, which forms a strong and visually prominent feature separating the residential properties to the south from the traffic-sensitive A4230 (Main Road). One of the main link roads to and from Neath Town Centre and running between Cadoxton, and Aberdulais.

The application site is located inside the settlements boundary as defined by Policy SC1 of the NPTCBC LDP. A large mature Oak tree protected under a Tree Preservation Order (TPO) (ref: T345) is situated in the centre of the rear garden.

Additionally, the application site is situated within a lower risk coal mining area and an area identified as having contaminated land.

DESCRIPTION OF DEVELOPMENT

This is an outlining planning application proposing the development of 1.no detached dwelling and associated parking with access, layout and scale to be considered (appearance and landscaping reserved).

The proposed scale parameters for the new dwelling are as follows:

Width = 10.5m

Length = 9m

Eaves Height = 2.5m

Ridge Height = 4m

The proposal has been shown on plan as a rectangular shaped detached dwelling, the maximum height parameter of 4m indicates that the proposed dwelling would be single storey in height. The application shows a garden area to the rear of the property together with off-street parking to the western side elevation of the property and the front of the property. Vehicular access would be gained from Main Road, with the full front boundary wall proposed to be removed.

NEGOTIATIONS

The Highways Authority issued a recommendation of refusal, which was subsequently forwarded to the Agent for comment. In response, the Agent advised that the highways safety concerns had previously been considered as part of an appeal process, during

which the Planning Inspector did not support the identified reason for refusal. This matter is dealt with later in this report.

PLANNING HISTORY

The application site has the following relevant planning history:

- P2005/1112: Works to Oak trees covered by TPO. Approved: 10-AUG-05
- P2008/1020: Work to trees covered by TPO T3 & T4 (amended plans, remove one branch & reduce several branches to T3 & fell T4). Approved: 20-OCT-08
- P2015/0800: Reduce length of two north facing lateral branches by 2.5 and reduce lateral branches to the south by 1.5m of 1No. Oak Tree (T25/T4). Approved: 29-OCT-15.
- P2020/0527: Works to Tree Covered by Tree Preservation Order T25/ T3 - Oak Tree to include Reduction of the branches by a maximum of 2 metres on the south east side and reduction of one over extended, protruding branch by 2 metres on the north west side. Approved: 17-AUG-20.
- P2021/0292: Proposed (Outline) detached house with associated access. Refused: 28-SEP-21
- P2022/0768: Works to tree covered by Tree Preservation Order T345 - T12 - Oak tree - to include the following works: Prune branches overhanging patio (SE-E side of canopy) by approx.. 2.5metres to suitable growth points and prune branches overhanging washing line (S-SSE side of canopy) by approx. 2.5m to suitable growth points. Approved: 20-OCT-22
- P2024/0754: Proposed Lawful Development Certificate for the development of a domestic outbuilding. Certificate issued 22.01.2025.
- P2025/0179: Proposed detached granny annex in rear garden. Approved: 29.08.2025.
- P2025/0717: Proposed removal of rear boundary wall and creation of porous paving in rear garden. Certificate issued: 05.12.2025.

CONSULTATIONS

Blaenhonddan Community Council: No response received

Contaminated Land: No objection to the application subject to a condition for unexpected land contamination and an informative for mine gas risk.

Highways Authority: Recommendation of refusal on highway safety grounds

Drainage: No objection subject to suitably worded conditions regarding drainage.

Tree Officer: Objection due as the proposal is not supported on arboricultural grounds due to insufficient information to demonstrate that the development can be implemented without harm to the retained TPO tree.

Biodiversity: No objection subject to biodiversity enhancement measures being provided on site.

Welsh Water: No objection subject to a suitably worded condition regarding connecting to the public sewerage network.

REPRESENTATIONS

The neighbouring properties were consulted on 21.04.2026.

A site notice was displayed on 22.04.2026.

In response, to date, no representations have been received.

REPORT

National Planning Policy:

[Future Wales: The National Plan 2040](#) is the national development framework, setting the direction for development in Wales to 2040. The development plan sets out a strategy for addressing key national priorities through the planning system, including sustaining and developing a vibrant economy, achieving decarbonisation and climate resilience, developing strong ecosystems and improving the health and wellbeing of our communities.

The following policies are of particular relevance to the assessment of this application:

- Policy 2 – Shaping Urban Growth and Regeneration – Strategic Placemaking
- Policy 9 – Resilient Ecological Networks and Green Infrastructure
- Policy 12 – Regional Connectivity

[Planning Policy Wales \(Edition 12, February 2024\)](#)

The primary objective of PPW is to ensure that the planning system contributes towards the delivery of sustainable development and improves the social, economic, environmental and cultural well-being of Wales, as required by the Planning (Wales) Act 2015, the Well-being of Future Generations (Wales) Act 2015 and other key legislation

and resultant duties such as the Socio-economic Duty. A well-functioning planning system is fundamental for sustainable development and achieving sustainable places.

PPW promotes action at all levels of the planning process which is conducive to maximising its contribution to the well-being of Wales and its communities. It encourages a wider, sustainable and problem solving outlook which focuses on integrating and addressing multiple issues rather than on an approach which is fragmented, un-coordinated and deals with issues in isolation. It provides an opportunity to remove any actual or perceived problems in current approaches and stimulate and support innovative and creative ideas as well as high standards of evidence and assessment to underpin the preparation of development plans and strategies and individual proposals. Monitoring and learning from development outcomes so as to drive sustainable improvements in planning practice is also important.

The following is of particular relevance in the assessment of this planning application:

Paragraph 3.9 – “The special characteristics of an area should be central to the design of a development. The layout, form, scale and visual appearance of a proposed development and its relationship to its surroundings are important planning considerations. A clear rationale behind the design decisions made, based on site and context analysis, a strong vision, performance requirements and design principles, should be sought throughout the development process and expressed, when appropriate, in a design and access statement.”

Paragraph 3.10 - “In areas recognised for their particular landscape, townscape, cultural or historic character and value it can be appropriate to seek to promote or reinforce local distinctiveness. In those areas, the impact of development on the existing character, the scale and siting of new development, and the use of appropriate building materials (including where possible sustainably produced materials from local sources), will be particularly important”.

Paragraph 3.14 - “Site and context analysis should be used to determine the appropriateness of a development proposal in responding to its surroundings. This process will ensure that a development is well integrated into the fabric of the existing built environment. The analysis process will highlight constraints and opportunities presented by existing settlement structure and uses, landscape, biodiversity, water environment, movement, infrastructure, materials and resources, soundscape and built form which will need to be considered when formulating proposals”.

Paragraph 4.1.51 - *“A design-led approach to the provision of car parking should be taken, which ensures an appropriate level of car parking is integrated in a way which does not dominate the development. Parking provision should be informed by the local context, including public transport accessibility, urban design principles and the objective of reducing reliance on the private car and supporting a modal shift to walking, cycling and public transport”.*

Paragraph 6.2.12 - *“A green infrastructure statement should be submitted with all planning applications. This will be proportionate to the scale and nature of the development proposed and will describe how green infrastructure has been incorporated into the proposal. In the case of minor development this will be a short description and should not be an onerous requirement for applicants. The green infrastructure statement will be an effective way of demonstrating positive multi-functional outcomes which are appropriate to the site in question and must be used for demonstrating how the step-wise approach (Paragraph 6.4.15) has been applied”.*

PPW12 is supported by a series of more detailed [Technical Advice Notes](#) (TANs), of which the following are of relevance: -

- TAN10 – Tree Preservation Orders
- TAN12 – Design
- TAN18 – Transport

Local Planning Policies

The Local Development Plan for the area comprises the [Neath Port Talbot Local Development Plan](#) which was adopted in January 2016, and within which the following policies are of relevance:

Strategic Policies

- | | |
|---------------|---|
| • Policy SP3 | Sustainable Communities |
| • Policy SP4 | Infrastructure |
| • Policy SP7 | Housing Requirement |
| • Policy SP8 | Affordable Housing |
| • Policy SP10 | Open Space |
| • Policy SP15 | Biodiversity and Geodiversity |
| • Policy SP20 | Transport Network |
| • Policy SP21 | Built Environment and Historic Heritage |

Topic Based Policy

- Policy SC1 Settlement limits
- Policy H1 Housing
- Policy AH1 Affordable Housing
- Policy OS1 Open Space provision
- Policy EN06 Important biodiversity and geodiversity sites.
- Policy EN07 Important Natural Features
- Policy TR2 Design and Access of New development
- Policy BE1 Design

Supplementary Planning Guidance:

The following SPG is of relevance to this application: -

- [Parking Standards](#) (October 2016)
- [Design](#) (July 2017)
- [Biodiversity and Geodiversity](#) (May 2018)

Issues

Having regard to the above, the main issues to consider in this application relate to the impact on the visual amenity of the area, the amenities of neighbouring residents, highway safety and biodiversity enhancement.

Principal of Development:

Policy SC1 states that 'Development within settlement limits that is proportionate in scale and form to the role and function of the settlement as set out in the Settlement Hierarchy will be acceptable in principle' subject to compliance with all relevant policies. Given the application site is located within the settlement limits, policy SC1 applies and is acceptable in principle, the proposal must adhere to all other relevant policies, namely policies BE1 (Design), TR2 (Design and access of new developments and EN7 (Important natural features).

The key principle set out in the adopted Design SPG on page 52 states that '*Developers should identify how their proposals consider and respect the character of the area within which they are located, promote quality and enhance the street scene*'.

Impact on Visual Amenity

One of the key objectives set out in Planning Policy Wales (PPW12) on the Objectives of Good Design (Figure 8) is sustaining or enhancing local character, promoting legible

development through promoting a successful correlation between public and private spaces.

Paragraph 3.9 of PPW12 notes that “The special characteristics of an area should be central to the design of a development. The layout, form, scale and visual appearance of a proposed development and its relationship to its surroundings are important planning considerations. A clear rationale behind the design decisions made, based on site and context analysis, a strong vision, performance requirements and design principles, should be sought throughout the development process and expressed, when appropriate, in a design and access statement.”

These principles are embodied within the adopted Local Development Plan Policy BE1, which requires development proposals to demonstrate a high quality of design that fully responds to the natural, historic and built context, and contributes positively to the creation of attractive and sustainable places. In particular, proposals should complement and enhance the character and appearance of the site and its surroundings in terms of siting, scale, height, massing, appearance and detailed design.

Paragraph 6.1.2 of the Neath Port Talbot Design Supplementary Planning Guidance states that “when a site is part of an existing built-up area and street scene, applicants should demonstrate how the proposal will fit into the existing development pattern in terms of scale, density, building line, ridge heights and elevations”. Whilst it is acknowledged that each planning application must be determined on its own merits, this does not diminish the need to have regard to the wider implications of a proposal.

In this instance, the development would introduce a contrived and uncharacteristic form of back-land development that fails to integrate with the established spatial pattern, grain and layout of the surrounding area. The proposal would erode the prevailing character, which is defined in part by its openness and coherent relationship between built form and strong defined boundaries. Furthermore, the development would create an incongruous and poorly related addition to the settlement pattern, and would risk establishing an undesirable precedent for similar forms of back-land development in comparable locations.

This would cumulatively undermine the established character of the area and weaken the ability of the Local Planning Authority to resist further harmful proposals. As such, the proposal fails to demonstrate how it would appropriately respond to its context and integrate with the existing pattern of development, and is therefore contrary to the above SPG guidance and Policy BE1 of the adopted Local Development Plan.

It is acknowledged that planning permission was previously granted under application reference P2025/0179 for an annex on the site, which shares a broadly similar siting and footprint to the dwelling now proposed. However, significant weight is given to the fundamental distinction between the two forms of development. The approved annex was explicitly intended for ancillary accommodation incidental to the main dwelling, and as such would not function as an independent planning unit, with its own access parking and curtilage. Its scale, use and relationship with the host property would therefore not give rise to the same level of activity, intensity of use or spatial presence as a standalone residential dwelling. Consequently, it would not have resulted in the same degree of impact on the character of the site or the amenity of neighbouring properties.

In contrast, the current proposal seeks to introduce a separate and self-contained residential unit. This represents a materially different form of development, resulting in a more intensive use of the site and a built form that appears incongruous within its context. The introduction of an independent dwelling in this location is considered to erode the established character of the area, which is defined in part by a more spacious layout and the presence of undeveloped gaps contributing to the setting of the street scene. It is clear that the applicant, in establishing what could be undertaken PD or as an annexe is attempting to establish a principle of a building at that location, however, it is clear that the planning history and intention to use that as a fall back position as a material consideration to establish a sub-divided planning unit at this site. It is the view of the Planning Authority that there are fundamental differences between these two uses, and that the harm from a self contained dwelling, with its own access, curtilage, parking and amenity area is of a more intensive nature than an annexe or outbuilding.

Significant weight is also afforded to the previous appeal decision (reference CAS-01609-K0G0M6), which relates to a comparable form of development at the site. Albeit one that was for a two storey dwelling. In dismissing the appeal, the Inspector concluded that the proposal would result in a “piecemeal relationship with the settlement pattern” and would conflict with the prevailing character established by the open gaps behind the stone wall. The Inspector further noted that the siting of the dwelling would appear incongruous, contrasting with the planned layout of the estate and remaining visible from Main Road, thereby reinforcing its harmful impact on the character and appearance of the area. Moreover, the Inspector noted that the protected tree “does not divide the existing garden in two because its canopy rises high and maintains a sense of openness, such that the space continues to be viewed as one”, concluding that the proposal would cause material harm to the character and appearance of the area.

Moreover, it is acknowledged that a Lawful Development Certificate has been granted for the removal of the rear boundary wall and the laying of porous paving within the rear

garden. However, it is considered that the removal of the boundary wall would not serve the reasonable enjoyment of the dwellinghouse, as it would result in the loss of enclosure to the garden. Instead, it is likely that the purpose of these works would be to facilitate the formation of a vehicular access. Albeit that again planning permission for the creation of a vehicular access would be required.

The current application seeks to establish the principle of a separate residential unit, together with associated vehicular access on the site. Accordingly, the works approved under the Lawful Development Certificate are afforded limited weight in the assessment of the current application, which is for the creation of a separate dwelling and planning unit. With regard to the removal of the rear boundary wall, the Inspector previously identified the stone wall and associated trees along Main Road as positive features which contribute significantly to the character of the area. The Inspector concluded that the creation of an access would harm this character through alterations to the wall and the loss of vegetation, and that the existence of other openings elsewhere along the road did not outweigh this harm. Therefore, the proposal would result in harm to the character and appearance of the area and would fail to comply with Policy BE1 of the adopted Local Development Plan, by failing to demonstrate high quality design that responds positively to the site and its wider context.

The character of the area is generally defined by a relatively open setting, with dwellings along Maes Llwynonn presenting reduced-scale rear elevations at ground level. This results in a modest and understated appearance when viewed from Main Road and contributes positively to the established spatial character of the area. Whilst it is recognised that the previous appeal proposal related to a two-storey dwelling, whereas the current application proposes a single-storey form of development, this distinction is not considered sufficient to overcome the fundamental concerns previously identified.

The harm identified by the Inspector did not arise solely from the scale or height of the building, but from its siting, its relationship with the surrounding pattern of development, and its impact upon the established openness and spatial character of the area. These underlying concerns remain directly applicable to the current proposal. As such, the development is considered to represent an incongruous and intrusive form of development that fails to respond appropriately to its context, and would therefore conflict with the requirements of Policy BE1 of the adopted Local Development Plan.

Taking all of the above into account, the proposed development is considered to represent an uncharacteristic and incongruous form of back-land development that fails to respond appropriately to its context. The siting of the dwelling, the loss of the established open character, the harmful impact on the positive features along Main

Road (including the stone wall and trees), and the failure to integrate with the prevailing pattern of development collectively result in unacceptable harm to the character and appearance of the area. The proposal also fails to adequately address concerns previously identified by the Planning Inspector, which remain directly relevant to the current proposal. Accordingly, the development does not demonstrate the high-quality design required and fails to complement or enhance its surroundings and is therefore contrary to Policy BE1 of the adopted Local Development Plan.

Impact on Residential Amenity

With regard to the relationship with the neighbouring property to the east, No. 11 Maes Llwynonn, consideration has been given to the potential for overbearing impact, overshadowing, and overlooking, as well as the siting and overall design of the proposed development. The submitted details indicate that the proposed annex would be positioned approximately 2.1 metres from the shared boundary and approximately 21 metres from the rear elevation of No. 11. In terms of separation distances, it is noted that the level of physical separation between the proposed dwelling and the neighbouring dwelling is such that significant overbearing or overshadowing impacts are unlikely to arise, particularly having regard to the single-storey nature of the proposal. However, it is important to recognise that this application has been submitted as outline application, with matters of appearance reserved for future consideration. As such, the Local Planning Authority is unable at this stage to fully assess the potential for overlooking or loss of privacy, as the precise siting, size, and positioning of any windows or openings have not been specified. This creates a degree of uncertainty in relation to the potential impact on the residential amenity of occupiers of No. 11, and limits the Authority's ability to fully assess the acceptability of the proposal in regards to residential amenity at this stage.

With regard to the neighbouring property to the west, No. 7 Maes Llwynonn, the proposed dwelling would be set a significant distance from both the shared boundary and the host property, being approximately 30 metres from the common boundary and approximately 40 metres from the rear elevation of No. 7. These separation distances are substantial and provide a clear degree of spatial separation between the proposed development and the neighbouring property. It is also noted that the site levels slope away from the application site towards No. 7, further reducing the potential for any overbearing impact. In addition, there is an established mature hedgerow and tree planting along the boundary, which provides effective visual screening and contributes to mitigating any potential for overlooking or perceived dominance. Having regard to the topography of the site, the existing boundary treatment, and the siting of the proposed development, it is considered that the proposal would not give rise to unacceptable

overbearing, overshadowing or overlooking impacts. As such, the development is not considered to result in any material harm to the residential amenity of the occupiers of No. 7 Maes Llwynonn.

With regards to the land to the west, in outline consent was granted for 'Outline application (all matters reserved except access) for the erection of 2no. detached dwellings and associated works. Together with revised car parking layout to serve the Crown & Sceptre Inn' under planning application reference P2023/0386. It should be noted that there is an existing established vehicular access serving this site. A full planning application is currently pending consideration for 'Construction of a two-storey building containing four semi-independent living apartments (use class c3b) designed for individuals with pan-disabilities and a range of physical disabilities. The proposal also includes communal garden, vehicle and cycle parking with gated access, the construction of a carport and shed, and other associated areas, as well as the installation of integrated solar panels, and 4 no. internal domestic hot water heat pumps with external inlet/outlet flues. Together with new highway entrance to the remaining car parking to serve the Crown & Sceptre Inn' under planning application reference P2024/0688. Furthermore, as appearance is a reserved matter, the Local Planning Authority is unable at this stage to fully assess whether the proposal would have a detrimental impact upon the residential amenity of the land to the west.

With regard to the properties located opposite the application site, it is noted that they are set back from the proposed dwelling by approximately 19.5 metres. This separation distance is acknowledged and would ordinarily assist in reducing the potential for direct overlooking or loss of privacy between opposing elevations. However, as the application has been submitted in outline form, with appearance reserved for future consideration, the Local Planning Authority does not have sufficient information at this stage to fully assess the detailed relationship between habitable room windows. In particular, the precise siting, scale and orientation of windows and other openings have not been provided. In the absence of these details, it is not possible to undertake an assessment of separation distances between habitable room windows or to fully determine the potential for overlooking and loss of privacy. As such, a degree of uncertainty remains as to whether the proposed development would have an unacceptable impact on the residential amenity of the properties located opposite the site.

Overall, having regard to the siting, separation distances and site characteristics, it is considered that the proposal would not give rise to significant overbearing or overshadowing impacts on neighbouring properties. However, due to the outline nature of the application, with appearance reserved, the Local Planning Authority does not have sufficient information to fully assess the relationship between habitable room

windows or the potential for overlooking and loss of privacy. Notwithstanding this uncertainty, it is considered that the level of information submitted is insufficient to robustly demonstrate that the proposal would satisfactorily safeguard residential amenity in all respects.

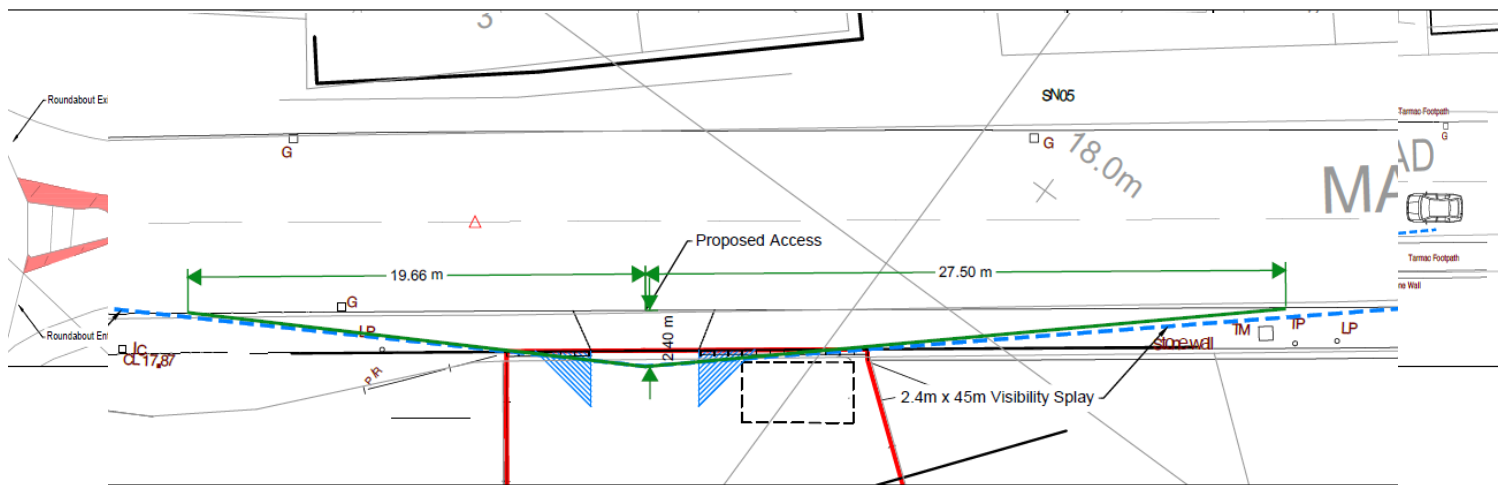
Parking and Access Requirements and Impact on Highway Safety

The Highway Authority has reviewed the proposal and recommends refusal for the following reasons:

1. *“A refusal is recommended on highway safety grounds as the development does not meet key highway requirements to allow for the safe access and egress to the proposed development that could also have a detrimental impact on the safe free flow of vehicles and pedestrians along the A4109. The proposed access is from an ‘A’ Classified highway that is a local distributor providing access into Neath and beyond. The visibility splay requirements in accordance with TAN 18 for a highway with a speed limit of 20mph (Table A – where road traffic speeds are not known) would be a splay of 45m in either direction with a setback of 2.4m from the edge of carriageway within which nothing over 600mm shall be erected or allowed to grow within the splay. The applicant has not demonstrated that this is achievable, even with the splays correctly drawn to the kerb line, the splays would cross over third-party land – this is not acceptable by the highway authority as the splays must be under the applicants or on the public highway to ensure the height restrictions can be maintained.*
2. *Where an access fronts a classified highway a turning facility which is independent of any parking spaces is required to allow all for the manoeuvring of vehicles to enter and egress from the site in a forward gear from the site. A turning facility with a traverse length of 8.65 meters has not been provided and there is limited scope within the site to accommodate this, and the 3 parking spaces to remain independent of the turning area. The application site based upon the indicative location of the plot cannot accommodate these fundamental highway requirements therefore a recommendation of refusal is proposed.*
3. *The highway authority requires vehicles to pass over the footway at a perpendicular angle, therefore only passing over the shortest distance of the pedestrian footpath. The requirement for vehicles to pass over the footway perpendicular to the carriageway is stated in Neath Port Talbot Council’s “Apply for a dropped kerb” highways guidance, which specifies that driveways must be at 90 degrees to the road, supported by the Highway Technical Design Guide standard vehicular crossover details. The current proposals suggest that vehicles*

would have to pass over the footway for a greater distance than required to be able to access the driveway and parking area.”

Whilst it is acknowledged that under appeal ref. CAS-01609-K0G0M6, the inspector concluded that the proposed vehicular access would not result in harm to highway safety, the Highway Authority has reviewed the appeal decision and has provided further evidence which has been taken into account in the assessment of the current application.



The annotated drawing above demonstrates that the required visibility splays of 45m in each direction with a setback of 2.4m from the edge of carriageway cannot be achieved at the proposed access.

The image below shows an abstract from *Manual For Streets* (Figure 7.18 Measurement of junction visibility splays on a straight road). The guidance indicated that visibility splays may only be measured to the centre line of the carriageway where physical features prevent approaching vehicles from crossing the centre line. No such features are present in this location and, therefore, visibility must be demonstrated across the full carriageway width.



It is acknowledged that the road speed has been reduced from 30mph to 20mph, resulting in a corresponding reduction in the required visibility splays. However, as demonstrated above, the necessary visibility splays still cannot be achieved within the site. Consequently, vehicles emerging from the site would have inadequate visibility of approaching traffic, giving rise to an unacceptable risk to highway safety. The proposal is therefore contrary to Policy TR2 of the adopted Local Development Plan and the guidance set out in TAN 18.

The Highway Authority acknowledge the views of the inspector at the previous appeal, however, given the above, the proposed development is considered to fail to provide a safe and suitable means of access. In particular, the required visibility splays cannot be achieved within land under the applicant's control and would rely on third-party land, resulting in inadequate visibility of approaching traffic and an unacceptable risk to highway safety. Furthermore, the proposals fail to provide an adequate turning facility within the site to enable vehicles to enter and exit in a forward gear, and the layout would require vehicles to traverse the footway at an inappropriate angle, increasing potential conflict with pedestrians. Accordingly, the development would be detrimental to highway and pedestrian safety and would adversely affect the free flow of traffic on the A4109, contrary to Policy TR2 of the adopted Local Development Plan and the guidance set out in TAN 18.

Drainage:

The drainage authority has raised no objection to the proposed development, subject to the imposition of conditions. These conditions require appropriate measures to be in place for the management of any groundwater encountered, the provision of separate

drainage systems for foul and surface water, the prevention of surface water entering the public sewerage system, and ensuring that the development does not adversely affect the drainage of adjoining land. Subject to compliance with these requirements, it is considered that there are no significant drainage issues associated with the proposal, and it would therefore accord with Policies BE1 and SP4 of the adopted Local Development Plan.

Contaminated land:

The application site is located within an area identified as having the potential for land contamination. The Environmental Health Department has been consulted and has advised as follows:

“Historical maps show no clear evidence of industrial development within the planning boundary. However as the site is within 50 meters of a former brewery it is recommended to include a condition for unexpected contamination as a precaution. A mine gas risk informative is also recommend because the site is in a low risk mining area.”

Having regard to these comments, and subject to the imposition of an appropriate condition relating to unsuspected contamination, together with a mine gas risk informative, it is considered that the proposal would not give rise to unacceptable risks in respect of land contamination. As such, the development is considered to accord with the requirements of Policy EN8 of the adopted Local Development Plan.

Trees:

A Turkey oak tree protected under a Tree Preservation Order (TPO) (ref: T345) is situated in the centre of the rear garden. Therefore the Local Authority Tree Officer has been consulted and has noted the following:

“The application is supported by an Arboricultural Impact Assessment (AIA) in accordance with BS5837:2012 standards (ARW Tree Consultancy Ref: ARW1188). The report identifies four trees on site, comprising one Category A Turkey oak (T1), one Category U Hawthorn (T2), and two Category C trees (T3 Bay, T4 Holly). The tree categorisation is broadly consistent with BS5837 methodology.

The proposal seeks the removal of all Category C and U trees to facilitate development. This is considered acceptable in principle, and replacement planting (6 apple trees) is proposed. Whilst this provides some mitigation, it should be noted that this does not

directly replicate the visual or amenity contribution of the existing established tree cover but provides an alternative.

The primary arboricultural constraint is the retained Category A Turkey oak (T1), which is subject to Tree Preservation Order protection. The AIA indicates that the canopy extent lies approximately 5m from the proposed building footprint with no direct overhang. However, this relationship is not considered sufficient in itself to demonstrate compatibility with the proposed development.

The tree is located to the south/south-east of the proposed dwelling. As such, it is likely to give rise to shading during morning and early afternoon periods. This relationship introduces a foreseeable risk of future pressure for pruning or other works to improve light levels and amenity. This issue as stated in the submitted Planning Statement (Atrium Planning Consultants) has previously formed part of a reason for refusal on the site, where it was considered that proximity to the protected tree would result in ongoing pressure for arboricultural works detrimental to its long-term health and longevity.

Proposed mitigation within the AIA is limited to reference to gutter guards and ease of maintenance associated with the single storey design. These measures are not considered sufficient to address the long-term relationship between the tree and the proposed dwelling or to reduce the likelihood of future pressure for works under TPO legislation.

The AIA adopts a standard circular Root Protection Area (RPA). However, given the site context (including adjacent built form, road infrastructure and areas of hardstanding), it is likely that rooting patterns are asymmetrical. The RPA should therefore be treated as a design tool rather than a definitive representation of root extent. Roots may extend irregularly beyond the calculated RPA into areas which may appear unconstrained.

No Tree Protection Plan (TPP) or Arboricultural Method Statement (AMS) has been submitted with the application. The AIA acknowledges the risk of soil compaction and direct damage during construction and notes that protective fencing and ground protection would be required, however no detailed methodology or protection measures are provided.

In the absence of this information, the Local Authority cannot be satisfied that the proposed development can be implemented without harm to the retained TPO tree. This is particularly important given that under TPO legislation, protection extends to the entire tree including its root system, and damage to roots may constitute wilful damage regardless of whether works occur within or outside the calculated RPA.

Given the scale of the tree, the constrained nature of the site, and the likely variability in root distribution, excavation works present a high risk of encountering significant roots outside the notional RPA. Without appropriate controls and supervision, this presents a material risk of damage to the protected tree.

It is therefore considered that arboricultural supervision will be necessary during construction, particularly during excavation works, to ensure that roots are identified, assessed, and appropriately managed on site.”

Whilst it is acknowledged that the Tree Officer raised no objection to the previously approved annex, it has been clearly identified that the current proposal for a separate, self-contained dwelling is materially different in both form and function. The introduction of an independent residential unit would result in a greater intensity of use and a more permanent relationship with the protected tree, thereby increasing the likelihood of direct and indirect pressures, including future demands for pruning or other works that could be detrimental to its long-term health and stability. The tree officer has provided additional comments, which are noted below:

“I note the comments attributed to the previous Tree Officer relate to a separate application for an annex, which was approved subject to a condition restricting its use to purposes incidental to the host dwelling (“4 The annex hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as '9 Maes Llwynonn, SA10 8AQ' and shall not be sold, let or sublet as a separate unit of accommodation. Reason: The additional accommodation is considered unsuitable for occupation as a separate unit, and to accord with Policy BE1 of the Neath Port Talbot Local Development Plan.”). This represents a materially different form of development to the current proposal for an independent dwelling, and therefore those comments cannot be directly relied upon in the assessment of this application.

The current proposal seeks to introduce a separate unit of accommodation with unrestricted residential use. This materially alters the relationship between the development and the retained TPO Turkey oak, as it introduces a greater likelihood of future pressure for pruning or other works to address shading, dominance and general residential amenity expectations.

It is also important to note that a previous application for a two-storey dwelling in broadly the same location was refused, in part due to concerns regarding the long-term relationship with the protected tree and the likelihood of pressure for works arising from

shading. Whilst the current proposal reduces the scale of development to a single storey, the siting of the building in close proximity to the tree remains largely unchanged. As such, the fundamental issue of the relationship between built form and the retained tree has not been fully overcome, and the risk of future pressure for works remains a material consideration.

In respect of the submitted Arboricultural Impact Assessment, whilst it broadly accords with BS5837:2012 in identifying trees and constraints, it does not provide sufficient detail to demonstrate that the development can be implemented without risk of harm to the retained Category A TPO tree. In particular, no Arboricultural Method Statement or Tree Protection Plan has been submitted. BS5837 requires that where development occurs within or adjacent to the Root Protection Area, detailed methodology and protection measures are provided to demonstrate how impacts will be avoided or mitigated.

Furthermore, the Root Protection Area should not be interpreted as a definitive representation of root extent. Given the constrained nature of the site, rooting patterns are likely to be asymmetrical, and excavation works associated with the development present a realistic risk of encountering significant roots beyond the notional RPA. Any damage to roots associated with a protected tree may constitute wilful damage under TPO legislation, regardless of whether works occur within or outside the calculated RPA.

For these reasons, whilst arboricultural supervision and detailed construction methodology would be required as a minimum, it has not been demonstrated at this stage that the proposal is compatible with the long-term retention of the protected tree. In summary, the previous comments relating to the annex application were specific to a different form of development and do not override the need to assess the current proposal on its own merits. As set out in my formal comments, the application is not currently supported on arboricultural grounds due to insufficient information to demonstrate that the proposed development can be implemented without harm to the retained TPO tree.”

Having regard to the above, it is considered that insufficient information has been submitted to demonstrate that the proposed development could be undertaken without resulting in harm to the protected Turkey oak tree, which is a prominent and valuable feature of the site and wider area. The siting of the proposed dwelling in close proximity to the tree, together with the absence of a Tree Protection Plan and Arboricultural Method Statement, gives rise to significant uncertainty in respect of the potential for both direct construction impacts and indirect pressures for future works. The proposal

therefore fails to adequately safeguard the long-term health, stability and amenity value of the TPO-protected tree. Accordingly, the development is considered unacceptable and contrary to Policy BE1 and EN7 of the adopted Local Development Plan, which seeks to ensure that development respects and enhances the natural environment.

Biodiversity

As identified above, Policies EN6 and EN7 of the Local Development Plan will be of relevance insofar as there is a need to ensure any impacts on biodiversity/ natural features are appropriately assessed and, where applicable, mitigated.

Planning Policy Wales (PPW) 12 sets out that;

The quality of the built environment should be enhanced by integrating green infrastructure into development through appropriate site selection and use of creative design. With careful planning and design, informed by an appropriate level of assessment, green infrastructure can embed the benefits of biodiversity and ecosystem services into new development and places, help to overcome the potential for conflicting objectives, and contribute to health and well-being outcomes.

A green infrastructure statement should be submitted with all planning applications. This will be proportionate to the scale and nature of the development proposed and will describe how green infrastructure has been incorporated into the proposal. In the case of minor development this will be a short description and should not be an onerous requirement for applicants. The green infrastructure statement will be an effective way of demonstrating positive multi-functional outcomes which are appropriate to the site in question and must be used for demonstrating how the step-wise approach (Paragraph 6.4.15 of PPW 12) has been applied.

Planning Policy Wales (PPW) 12 sets out that “planning authorities must seek to maintain and enhance biodiversity in the exercise of their functions. This means that development should not cause any significant loss of habitats or populations of species, locally or nationally and must provide a net benefit for biodiversity”. This policy and subsequent policies in Chapter 6 of PPW 12 respond to the Section 6 Duty of the Environment (Wales) Act 2016.

Following the changes to Chapter 6 of PPW12, all planning applications are required to submit a Green Infrastructure Statement to support the application. A GIS has been submitted as part of the application and proposes the following:

- Bird boxes
 - Positioned below the fascia on the gable end

- Designed to attract a range of garden and woodland bird species
- Bat box
 - Installed on the elevation opposite the bird box to provide roosting opportunities
- Hedgehog house
 - Brick-built shelter to support hedgehog populations
- Insect hotel / bee habitat
 - Small-scale habitat to support invertebrates
- Refugia creation (log piles)
 - Use of deadwood/logs to create habitat for insects, amphibians and small fauna
- Lighting control measures
 - Use of low-level, directional, timer-controlled lighting
 - Retention of “dark corridors” to avoid impacts on nocturnal species such as bats
- Implementation
 - All enhancement features are proposed to be installed within one month of development

The proposal includes the removal of lower category trees, with mitigation provided through the planting of six replacement apple trees. Whilst this offers a degree of compensation, the proposed planting is not like-for-like and would not replicate the scale, maturity or amenity value of the existing tree cover. The replacement planting is therefore considered to provide only limited mitigation in terms of landscape and visual contribution.

CONCLUSION:

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 the Neath Port Talbot Local Development Plan (2011-2026) adopted January 2016.

The proposed development, by reason of its siting, form and layout, would represent an incongruous and uncharacteristic form of development that fails to respect the established pattern of development character of the immediate area. The proposal

would result in the loss of openness and would harm the visual contribution of the existing stone wall, trees and landscaped setting along Main Road, which are identified as important features within the streetscene. The development therefore fails to demonstrate high quality design that responds positively to its context and would be contrary to the place making principles set out within Planning Policy Wales, and principles of good design within TAN 12 and Policy BE1 and the Council's approved Supplementary Planning Guidance 'Design'.

The proposed development, by virtue of its proximity to the protected Category A Turkey oak (TPO ref: T345), together with insufficient supporting arboricultural information, including the absence of a Tree Protection Plan and Arboricultural Method Statement, fails to demonstrate that the development can be implemented without harm to the long-term health, stability and amenity value of the tree. Furthermore, the introduction of a separate residential unit would increase the likelihood of future pressure for pruning or other works detrimental to the tree. The proposal is therefore contrary to Policy SP15 and EN7 of the adopted Local Development Plan.

The proposed development fails to provide a safe and suitable means of access. In particular, the required visibility splays cannot be achieved within land under the applicant's control and would rely on third-party land, resulting in inadequate visibility of approaching traffic and an unacceptable risk to highway safety. Furthermore, the proposals fail to provide an adequate turning facility within the site to enable vehicles to enter and exit in a forward gear, and the layout would require vehicles to traverse the footway at an inappropriate angle, increasing potential conflict with pedestrians. Accordingly, the development would be detrimental to highway and pedestrian safety and would adversely affect the free flow of traffic on 'Main Road' Cadoxton, contrary to Policy TR2 of the adopted Local Development Plan and the guidance set out in TAN 18.

It is further considered that the decision complies with Future Wales - the National Plan 2040 and the Council's well-being objectives and the sustainable development principle in accordance with the requirements of the Well-being of Future Generations (Wales) Act 2015.

RECOMMENDATION

Refused

Subject to the following conditions/reasons, which have been imposed for the reasons stated:-

- 1 The proposed development, by creating a separate planning unit through the subdivision of the existing curtilage and creation of vehicular access and parking, as well as by reason of its siting, form and layout, would represent an incongruous and uncharacteristic form of development that fails to respect the established pattern of development character of the immediate area. The proposal would result in the loss of openness and would harm the visual contribution of the existing stone wall, trees and landscaped setting along Main Road, which are identified as important features within the streetscene. The development therefore fails to demonstrate high quality design that responds positively to its context and would be contrary to the place making principles set out within Planning Policy Wales, and principles of good design within TAN 12 and Policy BE1 and the Council's approved Supplementary Planning Guidance 'Design'.
- 2 The proposed development, by virtue of its proximity to the protected Category A Turkey oak (TPO ref: T345), together with insufficient supporting arboricultural information, including the absence of a Tree Protection Plan and Arboricultural Method Statement, fails to demonstrate that the development can be implemented without harm to the long-term health, stability and amenity value of the tree. Furthermore, the introduction of a separate residential unit would increase the likelihood of future pressure for pruning or other works detrimental to the tree. The proposal is therefore contrary to Policy SP15 and EN7 of the adopted Local Development Plan.
- 3 The proposed development fails to provide a safe and suitable means of access. The required visibility splays cannot be achieved within land under the applicant's control and would rely on third-party land, resulting in inadequate visibility of approaching traffic and an unacceptable risk to highway safety. Furthermore, the proposals fail to provide an adequate turning facility within the site to enable vehicles to enter and exit in a forward gear, and the layout would require vehicles to traverse the footway at an inappropriate angle, increasing potential conflict

with pedestrians. Accordingly, the development would be detrimental to highway and pedestrian safety and would adversely affect the free flow of traffic on 'Main Road' Cadoxton, contrary to Policy TR2 of the adopted Local Development Plan and the guidance set out in TAN 18.

Case Officer

Kate Parry

Telephone No.



Date of Recommendation

10th June 2026