



---

## **Penderfyniad ar yr Apêl**

Ymweliad â safle a wnaed ar 07/09/21

**gan J Burston BSc MA MRTPI AIPROW**

**Arolygydd a benodir gan Weinidogion Cymru**

**Dyddiad: 25.11.2021**

## **Appeal Decision**

Site visit made on 07/09/21

**by J Burston BSc MA MRTPI AIPROW**

**an Inspector appointed by the Welsh Ministers**

**Date: 25.11.2021**

---

**Appeal Ref: APP/E6840/A/21/3274953**

**Site address: 73 Park Road, Caldicot NP26 4EL**

**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 outline planning permission.
  - The appeal is made by Mrs J Carter against the decision of Monmouthshire County Council.
  - The application Ref DM/2020/01328, dated 17 September 2020, was refused by notice dated 4 December 2020.
  - The development proposed is the construction of 2 semi-detached 2-bedroom houses in the garden of no.73 Park Road, Caldicot.
- 

### **Decision**

1. The appeal is dismissed.

### **Procedural Matters**

2. The original planning application was made in the name of Mr M Williams. Whereas the appeal was made in the name of Mrs J Carter. The appellant has confirmed that the name on the planning application was actually the agent's, and the applicant was Mrs J Carter.
3. I acknowledge that the application was made in outline form with all matters reserved. Therefore, I am conscious that other than the location plan all other plans are purely for illustrative purposes only. However, I have considered them on the basis of a promoted design approach and whilst they may not be determinative, they have informed my reasoning.
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.

### **Main Issues**

5. The main issues in this case are the effect of the proposed development on
    - The character and appearance of the surrounding area; and
-

- the living conditions of neighbouring occupiers, with particular regard to visual impact.

## Reasons

### *Character and Appearance*

6. The appeal site forms part of the curtilage of a semi-detached dwelling located within a residential area of Caldicot. The surrounding area generally comprises 2-storey semi-detached and terraced properties set back from the road. The layout of the housing here provides a distinct and open character to the area, where breaks between the housing enable the depth and space between the houses to be viewed from the public highway.
7. The appeal site has a long, rectangular garden to the side of the existing property, and the proposal is for the construction of two semi-detached dwellings within this space. The host property would retain a rear garden, with the front garden used for parking. Similarly, the proposed dwellings would have a rear garden with parking to the front.
8. The proposed dwellings would be in close proximity to the host property on the site. Given the site's shape, the proposal would appear shoehorned into the plot, with very small separation distances between the existing dwelling and the site boundaries. Consequently, the proposed houses would not be well related to existing dwellings or the pattern of development hereabouts. In this respect, the existing side garden provides a pleasant open space, which breaks up the built form of the street. The introduction of a pair of dwelling in this space would be to the visual detriment to the street scene.
9. Accordingly, I find that the proposal would not be in keeping with the character and appearance of the existing street scene. These concerns are also reflected in the Monmouthshire County Council Supplementary Planning Guidance Infill Development, November 2019 (SPG) which states at paragraph 6.1 that *"In most cases, there is an expectation that the massing of the proposal should be in proportion to the main property and the existing neighbouring buildings, as appropriate."*
10. The appellant has made reference to other developments nearby said to be similar to the appeal proposal. I have not been provided with the full details of these schemes and so cannot be certain that direct parallels can be drawn with the current proposal. In any case I have considered the appeal proposal on its own merits.
11. Consequently, I find that the proposal would unacceptably harm the character and appearance of the area. As such, it would conflict with Monmouthshire Local Development Plan (LDP) Policy DES1 that seeks, amongst other things, that development is of a high-quality design, that respects the character and distinctiveness of the area and contributes to the sense of place.

### *Living Conditions*

12. The SPG establishes that<sup>1</sup> *"New buildings near to plot boundaries can be intrusive when viewed from existing gardens or from within dwellings. To avoid over-dominant development and overshadowing of neighbouring properties, there should be at least 15m between principal elevations with main habitable windows and side gable*

---

<sup>1</sup> Paragraph 7.7

*walls without windows (unless these are minor windows such as the landing, WC or utility room windows)."*

13. The proposal would bring a two-storey built form close to the common side boundary with 1 Elm Road, below the 15m distance set out in the SPG. I appreciate the neighbours' rear ground floor windows already face a single storey garage. However, the proposal would bring a two-storey element closer to the rear windows and would extend for a greater depth than the garage that separates the appeal site from No. 1. The proposed development would also be significantly taller than either the garage or the boundary fence. As a consequence, the proposal would have a dominating and overbearing built form. The screening effect of the garage would only provide limited relief from that overbearing and oppressive relationship.
14. Given the orientation, bulk and height of the appeal proposal to its neighbour at 1 Elm Road there would be some overshadowing of its narrow rear garden. Nonetheless, the garden at No.1 also includes an area to the side of the dwelling, and any overshadowing from the new building would only affect a small part of it. Consequently, there would be no material harm to the living conditions of the occupants of No.1 through any overshadowing arising from the development.
15. Whilst I have found no harm in respect of overshadowing, I consider the proposal is unacceptable with regard to the overbearing impact it would have upon 1 Elm Road. The proposal is therefore contrary to LDP Policy DES1 and EP1 which require, amongst other matters, that development proposals should not harm the amenities of neighbouring occupiers.

#### *Other Matters*

16. I acknowledge that the proposal would make a modest contribution to housing stock in the area and that there are no objections from neighbouring residents. These, however, do not outweigh the harm that I have identified above.

#### **Conclusion**

17. The proposal would conflict with the development plan as a whole and there are no other considerations which outweigh this. Therefore, for the reasons given above and having had regard to all other matters raised, I conclude that the appeal should be dismissed.

*J Burston*

INSPECTOR