
Penderfyniad ar yr Apêl

Ymweliad â safle a wnaed ar 01/02/17

gan Paul Selby BEng (Hons) MSc
MRTPI

Arolygydd a benodir gan Weinidogion Cymru
Dyddiad: 13.02.2017

Appeal Decision

Site visit made on 01/02/17

by Paul Selby BEng (Hons) MSc MRTPI

an Inspector appointed by the Welsh Ministers
Date: 13.02.2017

Appeal Ref: APP/E6840/A/16/3162841

Site address: Orchard House, Llanbadoc, Usk NP15 1TE

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 and Mrs L Warner against the decision of Monmouthshire County Council.
 - The application Ref DC/2015/00938, dated 28 July 2015, was refused by notice dated 11 October 2016.
 - The development proposed is Demolition of existing dwelling and detached garage. Erection of replacement dwelling and detached garage. Relocation of existing vehicular access.
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Decision

1. The appeal is allowed and planning permission is granted for 'Demolition of existing dwelling and detached garage. Erection of replacement dwelling and detached garage. Relocation of existing vehicular access' in accordance with the terms of the application, Ref DC/2015/00938, dated 28 July 2015, subject to the conditions set out in the schedule to this decision letter.

Procedural Matters

2. During the planning application process the proposal was materially amended. I have considered the appeal on the basis of the amended proposal.
3. Whilst a single reason for refusal was included in the Council's Decision Notice, I note that a second, relating to highway safety, was alluded to in the Council's Committee report. I have determined the appeal on the basis of both the eventual and tentative reasons for refusal, and with regard to all other submitted information.
4. The east elevation on drawing no 1198[BD]12 is labelled as the west elevation, and vice versa. I have taken the orientation of the dwelling to be as it appears in the ground floor plans.

Main Issues

5. The main issues in this case are: a) the effect of the proposal on the character and appearance of the area; and b) highway safety.
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Reasons

6. The appeal site hosts a detached dwelling of early-to-mid 20th century design and a modest single garage, situated within the small settlement of Llanbadoc and fronting onto the main road between Usk and Llangybi, from which vehicular access is obtained. Bounded by hedgerows and fences, the site is bisected by a mixed hedgerow, south of which lie the appeal buildings. The northern section of the site has an open character and slopes gently down to a watercourse.

Character and appearance

7. A Grade II listed church and cluster of modest rural cottages mark the centre of this small settlement. South of the appeal site are former farm buildings now in residential use, which have been modified or extended in various ways. In addition to these original buildings and the surrounding rural landscape, the character of Llanbadoc is also derived from infill dwellings of various designs and scales fronting onto or set well back from the main road.
8. The appeal site sits within this varied context and appears as part of the fabric of this minor, relatively dispersed settlement. Despite partial screening by hedgerows, the existing house on the site is readily visible from the road, and appears as a well-proportioned detached dwelling of simple, symmetrical form. Nonetheless, whilst it could be described as aesthetically pleasing, it is of unexceptional design. Further, its scale, hipped roof form and large front garden lend it a suburban appearance which has little in common with the adjacent former agricultural buildings and cottages.
9. The mixed stone and render finishes, flat and mono-pitched roofs, stone chimneys and varied and extensive glazed areas of the proposed replacement dwelling would differ substantially from the design of the existing house. Nonetheless, Technical Advice Note 12 – Design (TAN 12) advises that a contextual approach should not necessarily prohibit contemporary design. Whilst Llanbadoc accommodates a number of original rural buildings, there is little consistent vernacular, siting or form. Consequently, and given the overtly domestic appearance of the existing house, I find that its replacement with a dwelling of contemporary design would not be inappropriate.
10. The proposed dwelling would be sited more centrally within the plot, and both the house and garage would be positioned closer to the road than the existing buildings, but due to the absence of any consistent building line or orientation in the vicinity their siting would not result in visual harm. Whilst undeniably geometric in form, the glazed openings, variation in external materials and stone chimneys would provide a strong vertical emphasis. The principal elevations would be well broken up with recessed and projecting elements of various heights, providing visual interest. As a result, despite its geometric design, the proposal would not appear markedly bulky.
11. The dwelling would be materially wider and somewhat deeper than the existing property, and the garage would occupy a relatively significant footprint. Nonetheless, the appellant contends that structures and hardstanding areas would cover only around 27% of the total site area, a figure which I have no reason to dispute. Given the ample size of the curtilage, the footprint of the proposed buildings would not be unacceptable, and the relatively modest height of both structures would further reduce their apparent scale. Viewed from the road, the appeal buildings would be seen against a backdrop of mature trees and raised ground, and the proposed reinstated hedgerow at the existing access point would further reduce their visual prominence, as would additional landscaping, which could be secured by conditions. Due to the

various sizes of residential properties nearby, the scale of the proposed dwelling would not harm the character of this small settlement. As a whole, I consider that the design, including the use of external materials such as slate, grey stone, oak and wood, would respond positively to the site context.

12. My attention has been drawn to the Council's Replacement Dwellings and Extensions to Dwellings in the Countryside Supplementary Planning Guidance (SPG), which amongst other things states that any increase in the volume of the replacement dwelling over the existing will normally be no more than 30%, and that an increase of more than 50% in volume over the size of the existing dwelling will not normally be considered to comply with Policy H5 of the Monmouthshire Local Development Plan (LDP). I am informed that the proposal would represent an increase in volume of around 57% over the existing house, although some residents consider this to be an underestimate as it excludes the proposed conservatory and garage, which includes a 'hobby' room. Nonetheless, although I accept that the proposed living accommodation would be more extensive than the existing house, I find that the proposed design, scale and siting of the dwelling would not result in significant visual harm or materially intrude into the landscape. Whilst I accept that the proposal would breach the 50% upper limit, the SPG represents guidance rather than rigid guidelines and each proposal must be considered on its merits. Given the specific circumstances of the case I find that there would be no material conflict with the aims of the SPG.
13. I acknowledge that there is some element of subjectivity in determining whether or not a particular design is attractive, but I am conscious that Planning Policy Wales Edition 9 (PPW) says that particular architectural tastes or styles should not be imposed arbitrarily and opportunities for innovative design solutions should not be inhibited. For the reasons given above, I conclude that the proposal would accord with the design objectives of LDP policies DES1 and H5, and with the general thrust of the Council's SPG, PPW and TAN 12.

Highway safety

14. It is proposed to relocate the vehicular access to a point further north within the site. Visibility from this location is currently significantly restricted. Whilst the proposed relocation of the boundary hedgerow away from the footway would substantially improve visibility, the location of the access on the inside of a slight bend would prevent sightlines from achieving the minimum 120 metres sought by Technical Advice Note 18 – Transport (TAN 18) for a road subject to a 40mph speed limit.
15. Notwithstanding this, I saw on my site visit that visibility from the existing access point is poor. Opportunities to improve the safety of this access are minimal as sightlines to the south are inhibited by the neighbouring dwelling. I note that the Highways Authority has supported the appeal proposal due to the relative improvement in highway safety that would result. I too consider that, whilst visibility from the relocated access point would not meet the minimum distances set out in TAN 18, the proposal would result in a material improvement in highway safety.
16. Whilst the proposed access point would be located opposite those for 1 and 2 Church Cottages, sightlines between the driveways would be sufficient to avoid harmful vehicle conflicts. I saw that a bus stop, post box and church lie near to the proposed access, but any stationary vehicles associated with these uses, or vehicles overtaking in the northbound carriageway, would be readily visible to drivers exiting the relocated access point. I do not dispute that collisions may have occurred in the vicinity, or that the 40mph limit may be exceeded by motorists. Nonetheless, I find that the appeal

proposal would result in a material improvement to highway safety, a benefit to which I attach substantial weight. For the reasons given I conclude that the proposal would accord with the aims of TAN 18.

Other Matters

17. Representations have raised concerns regarding the effect of the proposal on the privacy of neighbouring occupants. However, the separation distances to nearby dwellings, absence of south-facing first floor habitable room windows, existing boundary treatments and relatively modest height of the proposal would avoid any harmful reduction in privacy for adjacent occupants or adverse overbearing effects. The separation distances would similarly ensure that there would be no unacceptable noise or disturbance to neighbours from the occupation of the dwelling, or during the construction phase, the effects of which would be temporary in nature.
18. Whilst the site falls partly within an area designated Zone C1 by the Technical Advice Note 15 – Development and Flood Risk Development Advice Maps, the proposed dwelling and garage would be located outside this area. Detailed flood maps supplied by Natural Resources Wales, dated September 2013, indicate that adjusted for climate change or based on a 1 in 1000 year event the northern part of the site, including the proposed access point, would fall within an area of shallow flooding. However, these maps forecast that the current access would also be affected in such circumstances. Whilst I do not dispute the anecdotal evidence of residents that the road adjacent to the proposed access point has previously been inundated, the gradient of the road is not so pronounced that the relocated access would result in materially increased harmful risks to life for future occupants. In any event, due to the site's location on the periphery of the Zone C2 area, other escape routes would be possible. I am satisfied that the proposal would be acceptable in this regard.
19. Part of the existing hedgerow would need to be removed to make way for the relocated access point, and sections relocated to improve visibility for drivers. A proposed relocated or replanted native hedgerow would, however, adequately mitigate any harm to natural habitats and species arising from its loss or removal, subject to a condition to ensure that any works avoid bird breeding seasons. Whilst I note that the bat survey report found little evidence of bats on the site, the current dwelling and garage feature significant loft voids which provide substantial potential for roosts or nesting space for birds. The form of the appeal buildings, in contrast, would provide limited potential habitats. However, compensatory bat and bird boxes, secured by condition, would provide sufficient mitigation in this regard.
20. I have had regard to representations relating to the absence of an economic justification for demolishing the existing dwelling or evidence that similar energy efficiency benefits could not be achieved via insulation measures. But irrespective of the rationale for the proposal or the previous planning decisions of the Council on nearby sites I must determine the appeal based on the specific merits of the scheme before me. I attach limited weight to these matters.
21. Representations have also raised concerns that some submitted documents, including photo visualisations and the Design and Access Statement, are not accurate or contain errors. Whilst I accept that some of these concerns have substance, I am satisfied that sufficient, accurate information is before me. I have considered the submitted visualisations on the basis that these represent indications rather than accurate representations, and instead have used the submitted plans and elevations as the principal basis for considering the visual impacts of the proposal.

22. I have considered the duty to improve the economic, social, environmental and cultural well-being of Wales, in accordance with the sustainable development principle, under section 3 of the Well-Being of Future Generations (Wales) Act 2015 (the WBFG Act). In reaching my decision, I have taken into account the ways of working set out at section 5 of the WBFG Act and I consider that this decision is in accordance with the sustainable development principle through its contribution towards one or more of the Welsh Ministers' well-being objectives set out in section 8 of the WBFG Act.

Conditions

23. Other than the standard plans and time limit conditions, which are necessary in the interests of proper planning, a number of other conditions have been suggested to which I have had regard.
24. A condition requiring the approval of samples of external materials by the Council prior to the construction of the buildings is necessary in the interests of the character and appearance of the area. For the same reason, and in the interests of nature conservation, it is necessary to impose a condition requiring a scheme of landscaping to be submitted, approved by the Council and implemented accordingly.
25. Given the extent of proposed changes to hedgerows and trees and demolition works, a condition restricting works during the bat activity and bird breeding season is necessary in the interests of nature conservation. For the same reason, a condition requiring the installation of bat and bird boxes is necessary to compensate for the loss of the existing loft voids.
26. Due to the proximity of the appeal dwelling to the southern site boundary, a condition removing permitted development rights is necessary to prevent any modifications to the appeal dwelling that may detrimentally affect the privacy of adjacent occupants. Such a condition would also restrict the installation of visual obstructions near to the proposed access point, and is therefore also necessary in the interests of highway safety.

Conclusion

27. For the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be allowed.

Paul Selby

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development shall begin not later than five years from the date of this decision.
- 2) The development shall be carried out in accordance with the following approved plans and documents: Site Location Plan at 1:1250; Topo at 1:200; 1198[BD]16 (Proposed Site Block Plan); 1198[BD]10 (Proposed Ground Floor Plan); 1198[BD]11 (Proposed First Floor Plan); 1198[BD]12 Proposed East and West

- Elevations); 1198[BD]13 (Proposed North and South Elevations); 1198[BD]15 (Proposed Garage).
- 3) Prior to the construction of the buildings hereby approved samples of the materials to be used in the construction of the external surfaces of the buildings shall be submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details. The samples shall be presented on site for the agreement of the local planning authority and those approved shall be retained on site for the duration of the construction works.
 - 4) No development or site clearance shall take place until there has been submitted to and approved in writing by the local planning authority a scheme of landscaping. The scheme shall include indications of all existing trees (including spread and species) and hedgerows on the land, identify those to be retained and set out measures for their protection throughout the course of development.
 - 5) All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.
 - 6) No demolition of any buildings or structures, or removal of hedgerows, trees or shrubs shall take place between 1st April and 30th September inclusive, unless a competent ecologist has undertaken a careful, detailed check of the building and vegetation for active birds' nests immediately before and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation should be submitted to the local planning authority.
 - 7) The development hereby permitted shall not be occupied until the bat box (Schwegler 1 FR) and bird box (Schwegler 1 SP) have been installed in accordance with the details shown on submitted plan 1198[BD]13.
 - 8) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order, 1995, as amended (or any order revoking and re-enacting that Order with or without modification) no development within Part 1 of Schedule 2 to the Order, shall be carried out on land to which this permission relates, without express planning permission having first been obtained from the local planning authority.