



Penderfyniad ar yr Apêl

Ymweliad â safle a wnaed ar 01/05/19

gan **Janine Townsley LLB(Hons)**
Cyfreithiwr (Nad yw'n ymarfer)

Arolygydd a benodir gan Weinidogion Cymru

Dyddiad: 19/ 06/ 2019

Appeal Decision

Site visit made on 01/05/19

by **Janine Townsley LLB(Hons) Solicitor**
(Non-practising)

an Inspector appointed by the Welsh Ministers

Date: 19/ 06 /2019

Appeal Ref: APP/E6840/A/19/3224618

Site address: 72 The Close, Portskewett, Caldicot, NP26 5SN.

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 failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Ms Emma Reid against Monmouthshire County Council.
 - The application Ref DM/2018/01784, is dated 25 October 2018.
 - The development proposed is building 2 x new 2 bed semi detached houses in the garden of 72 The Close Portskewett.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The appeal results from the Council's failure to determine the planning application within the statutory period. Although there has been no formal decision from the Council, it has considered the proposals and indicated that had it been in a position to determine the application, it would have refused permission. The Council is concerned that the proposed development would have a harmful impact on the character and appearance of the area due particularly to the size of the proposed dwellings in relation to the size of the site frontage and the details of the design, and it is also stated that the proposal fails to accord with local policy since the application was not accompanied by a legal agreement relating to a financial contribution towards affordable housing.
 3. The proposal is for a pair of semi-detached dwellings to be constructed within the garden area of No. 72 The Close. The garden area of No. 72 (the appeal site) is to the side of the existing dwelling and as such has a frontage onto The Close. The proposal would effectively take up the private amenity space of No. 72, however the plans show the garden spaces of No.'s 70 and 71 would be re-aligned in order to provide amenity space for all five properties. Therefore, whilst the application refers to No. 72, the proposal would also include boundary changes to No.'s 70, 71 and 72.
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Main Issues

4. Taking into account paragraph 2 above, the main issues in this appeal are; the effect of the development on the character and appearance of the area and whether the proposal complies with local policy related to affordable housing financial contributions.

Reasons

5. The site is an irregular shaped parcel of land with a road frontage of approximately 14.4m which falls within a predominantly residential area in the settlement of Portskewett. The site falls between No. 72 The Close and a vehicular access lane.

Character and Appearance

6. The character of the area is informed by the surrounding dwellings. These are a mix of architectural styles and sizes such that there is no prevailing pattern of development in the area. Whilst there is more uniformity to the south-west of the site, with the semi-detached dwellings along The Close, the immediate area departs from this uniformity with a cluster of dwellings including the site and No.'s 70-72 with higher density development, some within irregular shaped plots, sited around a green area. Similarly, to the north-east along Manor Way, there are a variety of detached and semi-detached dwellings of varying style, height and separation distances and no consistent building line.
7. The plans show a pair of semi-detached, two and a half storey dwellings. The dwellings would be positioned within 1 metre of the boundary with No. 72 The Close, and would be set back approximately 4 metres behind the building line of No.'s 70 and 72 The Close to provide car parking.
8. The plans show that the appeal dwellings would fill most of the site frontage, and particularly, would be in close proximity to No. 72 since the side elevation of the proposed development would be close to or upon the common boundary with No. 72. The side elevation of No. 72 is also close to the common boundary, and this would result in the appearance of a continuous line of development with a consequential increase in massing. This would mean that the appeal site frontage would appear overdeveloped. For these reasons, the development would fail to respect the scale and massing of other buildings at this location contrary to policy DES1 of the Monmouthshire County Council Local Development Plan (2011-2021) ("LDP").
9. Turning then to the design details, the solid to void ratio of the proposed fenestration would not align with that of the adjacent dwellings. This would result in an inconsistent and uncomfortable relationship between the existing and proposed dwellings due to this divergence of design at close proximity.
10. In relation to the roof design, from my observations, whilst the dwellings to the south-west of the site along The Close typically have hipped roofs, there is less consistency of style elsewhere in the surrounding area. Thus whilst the proposal is not for a hipped roof, this alone does not result in a departure from any particular local style. The ridge height of the appeal proposal is similar to the adjacent dwelling despite them being taller, this is due to the change in ground levels between the appeal dwellings and No.'s 70-72. Whilst the ridge line would be similar, the eaves height would be lower and the additional roof space would be used for living accommodation. This means that the roof design of the proposal would look significantly different to the adjacent dwellings. Whilst this may not in itself be visually unacceptable given the variety of roof designs in the area, it is the proximity of the proposed to No. 72 that

would result in visual jarring between the two roof designs leading to a harmful visual impact which fails to represent good design. Furthermore, the resultant almost continuous ridge line would add to the massing and reinforces my view that the appeal site would appear over developed.

11. The lack of discernible separation between the existing and proposed dwellings would result in all five dwellings being read together. However, the proximity of the proposed dwellings to the existing, coupled with these design differences would result in a visually cluttered and unsightly appearance. This would be detrimental to the overall appearance of development in the locality. Accordingly, the development fails to comply with Policy DES1 of the LDP which requires that all development should be of a high quality sustainable design and respect the local character.

Affordable Housing Contributions

12. The Council has confirmed that the appeal site falls within the Severnside area where Policy S4 of the LDP provides that on sites which fall below the threshold of 5 dwellings, a financial contribution towards the provision of affordable housing in the local planning authority area should be secured. I note that the Council's Affordable Housing Officer has calculated that a commuted sum contribution of £19,964 should be made in respect of the appeal proposal. This payment should be secured by means of a legal agreement. No such legal agreement has been provided, nor have I seen any representations from the appellant which would explain this omission. Accordingly, the appeal conflicts with policy S4 of the Monmouthshire County Council Local Development Plan.

Conclusion

13. 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 WCFG Act). In reaching this decision, I have taken into account the ways of working set out at section 5 of the WCFG 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 as required by section 8 of the WCFG Act.
14. For the aforementioned reasons, and taking into account all matters raised, I conclude the appeal should be dismissed.

Janine Townsley

Inspector