

Penderfyniad ar yr Apêl

Ymweliad â safle a wnaed ar 06/08/19

gan **Richard E. Jenkins BA (Hons) MSc MRTPI**

Arolygydd a benodir gan Weinidogion Cymru

Dyddiad: 13.09.2019

Appeal Decision

Site visit made on 06/08/19

by **Richard E. Jenkins BA (Hons) MSc MRTPI**

an Inspector appointed by the Welsh Ministers

Date: 13.09.2019

Appeal Ref: APP/E6840/A/19/3230142

Site address: Land at Rear of Rosebrook, Watery Lane, Monmouth, NP25 5AT

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 Darren Morgan against the decision of Monmouthshire County Council.
 - The application Ref: DM/2018/01872, dated 6 November 2018, was refused by notice dated 17 May 2019.
 - The development proposed is 3 new detached market dwellinghouses with associated garage(s), car parking, access driveways and landscaping.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. During the processing of the appeal, a Section 106 agreement was submitted to facilitate the requirement to make necessary affordable housing contributions.

Main Issue

3. This is the effect of the proposed development upon the character and appearance of the area.

Reasons

4. The appeal relates to an undeveloped parcel of land located to the rear of an existing residential dwelling known as Rosebrook, which is located along Watery Lane in Monmouth. The site incorporates a number of mature trees that are the subject of Tree Preservation Orders (TPOs) and benefits from an extant planning permission for the erection of two detached residential dwellings. The appeal proposal seeks planning permission for three residential dwellings, although the Council objects to the scheme on the basis that it would detract significantly from the visual amenity of the area. Given that the principle of development has already been established by the extant planning permission, I shall confine my reasoning to this principal matter of dispute.
 5. It was clear at the time of my site inspection that, whilst the appeal site backs on to a densely arranged residential estate, by reason of the principal means of access off Watery Lane, and the natural vegetation that borders the site, the appeal site has a
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greater affinity to the environs at Watery Lane. It is therefore against this context that I consider the visual impact of the appeal proposal should be assessed.

6. There is little doubt that Watery Lane incorporates a predominantly rural character, with the residential dwellings located within the area generally comprising substantial detached properties set within spacious plots. The properties are typically scattered in a sporadic fashion, without a uniform building line. It is notable however that the properties generally front the public highway along Watery Lane. Within this context, and bearing in mind the aforementioned fall-back position established by the extant permission, I consider that the principle of residential development being set behind the building line of Rosebrook would be visually acceptable. It is also worth noting that the detailed design of the proposed dwellings would not individually conflict with the design of the other properties located along Watery Lane, not least because of the broad range of architectural designs that influence the overall character of the area.
7. Nevertheless, given the combination of the central siting of Rosebrook within the appeal site and the scattered siting of the mature trees on the site, the development of the three residential properties as proposed would inevitably result in a scheme that would have a contrived layout, contrary to the sporadic pattern of development described above. Specifically, Plot No.2 would not only be located behind the established building line of Rosebrook, but would also be located behind the severed dwelling. As a consequence, and notwithstanding the proposed orientation of that property, the development would appear as 'backland development' as opposed to a spacious plot fronting Watery Lane. The dwellings at Plot Nos.2 and 3 would also be located within close proximity to each other, as well as within close proximity to the mature trees. This would exacerbate the aforementioned concerns and result in a development that would have a cramped and contrived appearance. It is for these reasons that I consider that the development would injuriously alter the prevailing character of Watery Lane.
8. I have fully considered the lawful fall-back position arising from the extant planning permission at the site. However, it is notable that that permission was in outline only, with details to be determined through a subsequent reserved matters application. Nonetheless, the increase from two to three dwellings is significant and, when considered alongside the constraints of the site, is sufficient to materially differentiate the visual impact of the two schemes. I have given thought to the importance of ensuring an efficient use of development land. However, the most up to date expression of national policy set out in Planning Policy Wales (Edition 10, 2018) is clear that such matters need to be carefully considered within the context of place making and the preservation of the special and distinctive characteristics of places. I do not therefore consider that such matters should be determinative in this case.
9. Based on the foregoing, I conclude that the proposed development would cause material harm to the character and appearance of the area. As such, it would conflict with Criterion L of Policy DES1 of the adopted Monmouthshire County Council Local Development Plan (2014) (LDP) which requires all new development to ensure that existing residential areas characterised by high standards of privacy and spaciousness are protected from overdevelopment and insensitive or inappropriate infilling. There is little doubt that the development would make a positive contribution to the local housing market and the fact that the submitted Section 106 agreement would deliver affordable housing contributions weighs further in favour of the proposal. I am also advised that the proposed scheme represents a betterment in respect of protected Tree 8 relative to the approved scheme. Nevertheless, such matters do not either individually or collectively outweigh the significant harm that would arise in terms of

the effect on the character and appearance of the area, which represents a compelling reason why planning permission should be withheld in this instance.

10. For these reasons, and having considered all matters raised, I conclude that the appeal should be dismissed. 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 (WBFG Act). I have taken into account the ways of working set out at section 5 of the WBFG Act and 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, as required by section 8 of the WBFG Act.

Richard E. Jenkins

INSPECTOR