
Penderfyniad ar yr Apêl

Ymweliad â safle a wnaed ar 04/11/15

Gan Nicola Gulley MA MRTPI

Arolygydd a benodir gan Weinidogion Cymru

Dyddiad: 27/11/2015

Appeal Decision

Site visit made on 04/11/15

by Nicola Gulley MA MRTPI

an Inspector appointed by the Welsh Ministers

Date: 27/11/2015

Appeal Ref: APP/E6840/A/15/3132957

Site address: 6 Clos Croeso, Usk, Monmouthshire, NP15 1AZ

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 Mrs K Morris against the decision of Monmouthshire County Council.
 - The application Ref DC/2015/00170, dated 11 February 2015, was refused by notice dated 19 June 2015.
 - The development proposed is a two storey rear extension and replacement garden room, pitched roof over garage.
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Decision

1. The appeal is dismissed.

Main Issue

2. This is the effect of the proposed development on nationally important archaeology.

Reasons

3. Policy S17 of the adopted Monmouthshire Local Development Plan (LDP) (2014) seeks to ensure that all new development contributes to creating a high quality, attractive and sustainable places and, amongst other things, has regard to the historic environment. This approach is supported by Planning Policy Wales (PPW) Edition 7 (2014) paragraph 6.5.1 and 6.5.2 which make clear that: where nationally important archaeological remains, scheduled or not, and their settings are likely to be affected by the proposed development there is a presumption in favour of their physical preservation in situ; an assessment and / or field evaluation is required to determine the archaeological sensitivity of a site; and where insufficient information has been provided applications can be refused. Further guidance is contained in Welsh Office Circular 60/96 – (Planning and the Historic Environment).
4. Advice from Cadw and the Council's advisors, Glamorgan – Gwent Archaeological Trust (GGAT), indicate that the appeal site lies less than 20 metres away from the defences of the Roman Legionary Fortress of Burrium, which is a scheduled ancient monument (SAM), and inside the walls of the medieval town of Usk. Moreover, it is suggested that whilst the appeal site is not designated it is likely to contain archaeological

features of national importance and that the proposed development would have an impact on a buried archaeological resources.

5. The development proposes the construction of a two storey rear extension and replacement garden room and pitched roof over the existing garage. The Council has raised no objection to the scale or design of the development and I agree that the proposal would not have an adverse effect on the character and appearance of the area or on the living conditions of the occupiers of nearby properties. Concern has however been expressed the impact groundwork associated with the development would have an adverse effect on the archaeological resource and as a result the Council requested the provision of an archaeological evaluation of the site.
6. The appellant contends that the provision an archaeological evaluation is not proportionate to the scale of the development and that much of the ground on which the development would be constructed has already been disturbed. In support of the proposal the appellant suggests a condition requiring a watching brief and that the excavations of the foundation be carried out by an archaeologist. However, I note that nationally important archaeological remains located at a depth of approximately 0.40 metres below ground level have been excavated in a location close to the appeal site. As a consequence, I consider that without an archaeological evaluation of the site I do not have sufficient information to allow me to determine the impact the proposed development would have on, potentially, nationally important archaeology remains and as such the proposal is contrary to the objectives of LDP Policy S17 and national planning policy.
7. The appellant has drawn my attention the apparent inconsistency in the approach taken to the assessment of the proposed development and that of a proposal for the development of a site opposite the Three Salmons Hotel, Usk. Based on the limited information that has been submitted, it appears that the site opposite the Three Salmons Hotel is located further away from the SAM than the appeal site, is outside the walls of the medieval town and had been subject to considerable disturbance. As such I do not consider that the development directly parallel the circumstances of this appeal. I have in any case, determined the appeal before me on its own merits.
8. In reaching my decision I have had regard to all the matters raised including the implications of the provisions of the Town and Country Planning (General Permitted Development) Order 1995 for small scale development at the site. However, none of these factors are sufficient to alter my overall conclusions. For the reasons given above, I conclude that the appeal should be dismissed.

Nicola Gulley

INSPECTOR