
Penderfyniad ar yr Apêl

Ymweliad â safle a wnaed ar 29/01/15

**gan Melissa Hall BA(Hons) BTP MSc
MRTPI**

Arolygydd a benodir gan Weinidogion Cymru

Dyddiad: 20 Ebrill 2015

Appeal Decision

Site visit made on 29/01/15

**by Melissa Hall BA(Hons) BTP MSc
MRTPI**

an Inspector appointed by the Welsh Ministers

Date: 20 April 2015

Appeal Ref: APP/E6840/A/14/2229155

Site address: 34 Pen y Pound, Abergavenny, Monmouthshire NP7 7RN

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 Mr Jim Vickers against the decision of Monmouthshire County Council.
 - The application Ref DC/2013/00862, dated 4 October 2013, was refused by notice dated 6 June 2014.
 - The development proposed is a two storey detached dwelling.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The site address on the application form is 34 Pen y Pound whereas the annotation on the indicative site layout plan refers to land at 34 and 36 Pen y Pound. The appellant has clarified that the site is currently two parcels of land in the separate ownership of two neighbouring landowners, albeit the application is made by the owner of No 34 only.
3. The application is made in outline form with all matters reserved for subsequent consideration. A site plan and a floor plan drawing have been submitted with the application, which are for indicative purposes only.
4. The Town and Country Planning (Development Management Procedure) (Wales) Order 2012 states that an application for outline planning permission must state the upper and lower limit for the height, width and length of each building included in the development proposed. Whilst the Design and Access Statement (DAS) details the width and length of the proposed dwelling, the height is stated only as 'two storeys'. However, it is on this basis that the Council considered the application and upon which I determine the appeal.
5. I note that the red line boundary denoting the application site does not include the proposed access. However, the DAS states that access will be provided via the existing residential driveway serving 36 and 36a Pen y Pound. I am therefore satisfied that the requirements of the Order have been met in this regard.

6. The planning application form specifies a one bedroom dwelling whereas the indicative floor plan drawing shows a three bedroom dwelling and the DAS refers to a four bedroom dwelling. However, as the application is in outline form only, such detail is reserved for subsequent consideration and I have dealt with the principle of the development in coming to my decision.
7. The proposal was amended following submission to the Council but prior to its determination. The amendment is shown on the illustrative site layout plan and comprises of a change to the footprint of the dwelling. I am satisfied that no party would be prejudiced by my consideration of these amendments. I have therefore taken this into account in my determination of the appeal.

Main Issues

8. These are:
 - The effect of the proposed development on the character and appearance of the surrounding area, including whether the proposed development would preserve the setting of an adjacent Grade II Listed Building.
 - The effect of the proposed development on highway safety.

Reasons

Character and appearance

9. The surrounding area is characterised predominantly by residential development of a mix of scale, form, design and external appearance. There are also other forms of development in close proximity including a football club / sports ground and a tennis club, which add to the variety in the built form. Notwithstanding this variety, plot sizes in the vicinity of the site are, for the most part, generous and give the area a low density, spacious feel.
10. The appeal site currently forms part of the large rear garden serving No 34 but also incorporates a triangular parcel of land associated with No 36. Although, the size and layout of the plot may be more modest compared to the majority of those in the vicinity, I do not find that it is so constrained as to appear cramped or disproportionate in terms of its relationship with its surroundings.
11. Furthermore, as there is no uniformity in terms of the surrounding built form and given the mixed character that I have described, neither do I consider that the construction of a two storey dwelling at this location would appear 'shoehorned' into the site or that it would compromise the overall spacious character of the area.
12. The appeal site lies adjacent to a Grade II Listed Building, which is a residential property known as 'The Willows'. Sections 16(2) and 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 require me to have special regard to whether the proposed development would preserve the setting of the listed building.
13. I understand that the building is listed as an early 19th Century classical villa and that the list description describes the elevation which faces the appeal site as utilitarian. I observed that the rear elevation of The Willows has few features of architectural merit and that the small courtyard area separating the rear elevation from the common boundary is functional in nature and makes no significant contribution to the setting of the listed building.

14. In this context, I find that the construction of a building with a separation distance that can be achieved in line with that shown on the indicative site layout plan would not compromise the appreciation of the Listed Building or its relationship with its surroundings from this vantage point. Thus the setting of the listed building would be preserved, consistent with the requirements of the Act.
15. I note the concerns of third parties that in coming to a view that the development would not harm the setting of the listed building, Cadw carried out a desk top assessment rather than a site visit. Be that as it may, from my observations of the site I agree that the relationship would be acceptable for the reasons I have given.
16. Consequently, I do not find conflict with Policy DES 1 of the adopted Monmouthshire Local Development Plan (LDP), which *inter alia* requires new development proposals to respect the local character and distinctiveness of the built, historic and natural environment.

Highway safety

17. The existing driveway serving Nos 36 and 36a is of single width and has direct access onto Pen y Pound. It is positioned in close proximity to two other existing vehicular accesses serving the neighbouring dwelling and the tennis club and opposite the car park serving the football club.
18. On exiting the driveway, visibility of oncoming traffic to the right is severely restricted owing to a bend in the road and the position of 34 Pen y Pound. There appears to be little opportunity to improve visibility in this direction and there are no such improvements before me.
19. Owing to such severe restrictions, I am concerned that any additional vehicular movement onto this junction would give rise to an increased potential for vehicular conflict. The driver of any vehicle needs to emerge from behind the front elevation of No 34, cross the footway and move into the carriageway in order to gain visibility of oncoming traffic from the right. The proximity to other existing accesses merely exacerbates the potential for conflict.
20. I acknowledge that the Council has not provided any accident data pertaining to the use of the existing access, and that existing residents may have become accustomed to the junction and adjusted their behaviour accordingly. I also accept that the increase in vehicle movements associated with one dwelling may be limited.
21. However, in my view, the existing access arrangements are poor and do not therefore justify increasing the risk to highway safety. Given the unfavourable highway conditions that I have described, I am of the opinion that the potential for vehicular conflict, which is already significant, would increase in these circumstances.
22. I also acknowledge that the new driveway serving the dwelling would provide the opportunity for a passing place. However, this would be situated at the end of the driveway away from the junction with Pen y Pound, and would rely on the driver exiting the drive to be aware of a vehicle joining from the main highway. I am not convinced that such an arrangement would be satisfactory for the driver entering the driveway from the main road, which may result in reversing onto Pen y Pound. This matter further convinces me of the inappropriate nature of the development in highway safety terms.

23. I also understand that a convex safety mirror is to be installed on the highway by the owner of No 36 to replace a damaged and removed mirror, which would allegedly provide clear sight of oncoming traffic. Setting aside that the Council has taken issue with such a suggestion, this does not form part of the scheme before me, and I have not therefore given it significant weight in coming to my decision.
24. For the above reasons, the proposed development would compromise highway safety. It would therefore fail to meet the objectives of LDP Policies MV1 and DES1, which require new development to provide a safe environment for road users.
25. I have had regard to the sustainability of the location and the importance of reducing the need to travel with facilities and services in close proximity. I also note the appellant's contention that flexibility should be applied due to the existence of a historic townscape. Nevertheless, I do not consider that these matters outweigh the adverse effects I have identified.

Other Matters

26. My attention has been drawn to alleged inconsistencies in the Council's decision making and to other infill development in the surrounding area. I do not know the full facts of the cases referred to or the particular planning circumstances in which they were granted. However, each proposal must be considered on its own merits, which is what I have done.
27. I note the concerns of other parties regarding the effect of the proposed development on protected trees and the living conditions of neighbours. The Council considers that a sufficient separation distance can be achieved between the siting of a new dwelling and the existing neighbouring properties so as to ensure that there would be no unacceptable overlooking, overbearing or overshadowing effect on the occupants. Based on the illustrative site layout plan before me, I am satisfied that detailed design could be controlled at reserved matters stage such that the living conditions of neighbours would be protected.
28. Turning to the trees, the Council has confirmed that root protection areas have been identified on the submitted survey so as to ensure that the trees are protected during construction. However, it adds that as access is a reserved matter, it is not apparent at this stage to what extent the trees would be affected. As the appeal has been dismissed for other reasons, I have taken this matter no further. However, the effect of the proposed development on the protected trees would need to be fully assessed in the event of any revised scheme.
29. In respect of other issues raised, constraints imposed by a restrictive covenant are for the appellant to address separately, and are not matters for this appeal.

Conclusion

30. Although I have found no harm to the character and appearance of the area or to the setting of the listed building, the proposal would compromise highway safety to the extent that it is an overriding reason why permission should not be granted. Having regard to all matters raised, I thus conclude that the appeal should be dismissed.

Melissa Hall

INSPECTOR