



Penderfyniad ar yr Apêl

Ymweliad â safle a wnaed ar 19/10/20

gan Joanne Burston, BSc MA MRTPI
AIPROW

Arolygydd a benodir gan Weinidogion Cymru

Dyddiad: 5th November 2020

Appeal Decision

Site visit made on 19/10/20

by Joanne Burston, BSc MA MRTPI
AIPROW

an Inspector appointed by the Welsh Ministers

Date: 5th November 2020

Appeal Ref: APP/E6840/A/20/3257827

Site address: Pwllmeyric Lodge, Badgers Meadow, Pwllmeyric, NP16 6LE

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 & Mrs Gittins against the decision of Monmouthshire County Council.
 - The application Ref: DM/2020/00127 dated 15 May 2020, was refused by notice dated 17 July 2020.
 - The development proposed is the conversion of detached double garage to two-bed self-contained dwelling and proposed single storey garage replacement.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. In reaching my decision, I have taken into account the requirements of sections 3 and 5 of the Well Being of Future Generations (Wales) Act 2015. I consider that this decision is in accordance with the Act's sustainable development principle through its contribution towards the Welsh Ministers' well-being objectives of driving sustainable growth and better environments.

Main Issues

3. The main issues in this appeal are:
 - the effect of the proposed development on the character and appearance of the area;
 - the effect of the proposed development on biodiversity interests; and
 - whether there would be appropriate provision for affordable housing.

Reasons

Character and Appearance

4. Badgers Meadow is, in the main, characterised by substantial detached dwellings, set back from the road frontage, with large gardens to the rear. The mature landscaping
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to the front of these properties, with trees and hedgerows, creates a spacious, open and verdant character to the street scene. The appeal site comprises the driveway and double garage to the side of the host property, Pwllmeyric Lodge.

5. The proposed building would be smaller than others on Badgers Meadow in terms of width and bulk and would have little in the way of private amenity space. Whilst I accept that there would be enough distance between the appeal site and the neighbouring property to ensure no adverse effect on the living conditions of the occupiers, the proximity to the boundary is tight and would be at odds with the existing plot form and layout of the immediate context whereby there is breathing space between dwellings.
6. Taking its relatively constricted size together with its proximity to the side boundaries, I consider that it would appear shoehorned into or cramped within the plot. Accordingly, the development would appear incongruous and it would unacceptably diminish the spacious character of the street scene.
7. Overall, the development would not function well or add to the overall quality of the area, nor be visually attractive as a result of good layout. Therefore, the proposal would fail to comply with the Monmouthshire Local Development Plan (LDP) Policy DES1 which establishes that all development should be of a high-quality sustainable design and respect the local character and distinctiveness of Monmouthshire's built, historic and natural environment.
8. Whilst the Council refers to LDP Policy EP1 in its 'Reasons for Refusal', I have no substantive evidence that the proposed development would negatively impact on neighbouring occupiers privacy, amenity or health or that the proposal would cause an unacceptable risk to public health or safety.

Affordable housing

9. The LDP indicates an on-going annual requirement for affordable housing of some 96 dwellings or 960 affordable homes over the LDP plan period. LDP Policy S4 sets out the Council's requirement for affordable housing provision. The policy states that for development sites with a capacity below the thresholds, such as this proposal, will make a financial contribution towards the provision of affordable housing in the local planning authority area.
10. It is not disputed between the main parties that a financial contribution is required. The Council's Affordable Housing Supplementary Planning Guidance, dated July 2019, establishes that an applicant will need to enter into a S106 agreement to pay a financial contribution towards affordable housing. I see no reason to depart from this standard mechanism.
11. Therefore, in the absence of an executed and certified copy of a section 106 planning obligation or a completed Unilateral Undertaking which represents the legal mechanism to secure the delivery of any affordable housing, I find the proposal to be contrary to LDP Policy S4, which seeks to increase the provision of affordable housing.

Biodiversity

12. Planning Policy Wales, Edition 10 (PPW) sets out at paragraph 6.4.5 that "*planning authorities must seek to maintain and enhance biodiversity in the exercise of their functions. This means that development should not cause any significant loss of*

habitats or populations of species, locally or nationally and must provide a net benefit for biodiversity."

13. I acknowledge the appellants' comment that a planning condition would ensure that any environmental enhancement as required by the LDP would be undertaken. Nevertheless, securing a net benefit for biodiversity requires an understanding of the local context to identify new opportunities to enhance biodiversity. Such opportunities should be established by an applicant at an early stage when considering development proposals. I have no evidence of measures to secure any biodiversity enhancements before me. Without this information I consider that the net effect of the proposed development on biodiversity is likely to be negative to some degree and certainly not an enhancement as sought by PPW.
14. To conclude on this main issue the proposal would fail to include biodiversity enhancements. As such it would fail to comply with: LDP Policies S13 and NE1 which, amongst other matters state that development proposals must protect, positively manage and enhance biodiversity; and PPW as set out above.

Conclusion

15. For the reasons set out above and taking into account all matters raised, I conclude that the appeal should be dismissed.

Joanne Burston
INSPECTOR