



## Penderfyniadau ar yr Apêl

Ymweliad â safle a wnaed ar 09/11/20

gan Paul Selby, BEng (Hons) MSc  
MRTPI

Arolygydd a benodir gan Weinidogion Cymru

Dyddiad: 1<sup>st</sup> December 2020

## Appeal Decisions

Site visit made on 09/11/20

by Paul Selby, BEng (Hons) MSc MRTPI

an Inspector appointed by the Welsh Ministers

Date: 1<sup>st</sup> December 2020

**Appeal Ref: APP/E6840/A/20/3258606**

**Site address: 13A Fosterville Crescent, Abergavenny, NP7 5HG**

**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 Mike Giles against the decision of Monmouthshire County Council.
- The application Ref: DM/2019/01214 dated 26 July 2019, was refused by notice dated 8 July 2020.
- The development proposed is described as: The proposed development necessitates the demolition of the existing corrugated arched tin shed and replacement by a two-storey residential dwelling.

**Appeal Ref: APP/E6840/E/20/3258605**

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**The Welsh Ministers have transferred the authority to decide this appeal to me as the appointed Inspector.**

- The appeal is made under sections 20 and 74 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a refusal to grant conservation area consent.
- The appeal is made by Mr Mike Giles against the decision of Monmouthshire County Council.
- The application Ref: DM/2019/01215 dated 26 July 2019, was refused by notice dated 21 August 2020.
- The demolition proposed is described as: The proposed development necessitates the demolition of the existing corrugated arched tin shed and replacement by a two-storey residential dwelling.

## Decisions

### **APP/E6840/A/20/3258606**

1. The appeal is dismissed.

### **APP/E6840/E/20/3258605**

2. The appeal is dismissed.

## Procedural Matter

3. Notwithstanding the information given in the original application forms, I have taken the descriptions of development from the Council's Decision Notices, which more succinctly describe the nature of the proposals.

## **Main Issue**

4. For both appeals, the main issue is whether the proposals would preserve or enhance the character or appearance of the Abergavenny Conservation Area (CA).

## **Reasons**

5. The appeal site is occupied by a concrete and brick garage topped with a convex tin roof, set back from the street by a gated driveway. The site appears unkempt, with the garage in poor condition and mature vegetation to either side. Situated within the Abergavenny CA, the site lies at the top of a rise on Fosterville Crescent. To its north is the semi-detached dwelling of Morningside, the last in a row of late 19th and early 20th two-storey villas and terraces which retain much of their original appearance. More modern residential infill developments lie immediately south and west.
6. As described in the Council's appraisal of the Abergavenny CA, I saw that the historic built form on the east side of Fosterville Crescent forms a cohesive group and exhibits a strong building line which follows the curve of the road. Contributing to this visual unity are the rock-faced stone and yellow brick walls, often topped with soft landscaping, which mark these dwellings' front boundaries and driveways. As a surviving element of the original planned townscape, these boundary treatments make a positive contribution to the character and appearance of the CA.
7. The stone wall which marks the northern edge of the appeal site is contiguous with the front boundary wall of Morningside and visually connected to the ensemble. Whilst not as prominent as the front boundary wall, the side wall is exposed to public view on the approach from Monmouth Road. As with other walls on Fosterville Crescent, it reflects the underlying topography by retaining Morningside's elevated plot.
8. The proposals involve the reduction of the ground level of the appeal site. The submitted plans show a front driveway sloping down from street level, with the proposed dwelling's ground floor over 2 metres below that of the existing garage. The plans indicate that the existing side boundary wall would be retained atop a lower protruding retaining wall, which in combination would measure over 3.5 metres in height near to the proposed dwelling's front elevation. The appeal site's southern extent would accommodate a similar retaining wall.
9. Whilst recessing the dwelling below street level would reduce its apparent height in relation to Morningside, the required retaining walls would appear utilitarian in form. Readily visible from the public realm, their considerable height and stark appearance would draw the eye of those passing the appeal site. Given the plot's constrained width there would be little opportunity to use foliage to soften the walls' blank extent. Moreover, the northern retaining wall would fundamentally alter the visual character of the original side boundary wall, which would sit awkwardly on top of it.
10. The stark appearance of the driveway would be further augmented by the awkward relationship of the dwelling to the void space. The building's eaves would be elevated only moderately above the top of the retaining walls, with significantly limited space between the walls and the dwelling's flank elevations. The recessed siting of the dwelling would consequently appear contrived and wholly at odds with the prevailing topography. Whilst front boundary gates would provide some screening against these intrusive and discordant visual attributes, when they were open the harm to the CA would be apparent from public viewpoints on Fosterville Crescent.
11. I note that the Council does not object to the demolition of the existing garage or to the appearance of the proposed dwelling. I too do not find these aspects of the

proposal to be troubling in themselves. The demolition of the garage would, in my view, have a moderately positive impact on the character and appearance of the CA. The profile of the proposed dwelling would also be a modest improvement on that of the existing structure. However, the benefits of the proposal would be clearly outweighed by the identified harm to the CA caused by the proposals' austere and extensive retaining walls and the contrived siting of the dwelling below street level, which would be injurious to public vistas of Fosterville Crescent. As advised by Technical Advice Note (TAN) 24 'The Historic Environment', the proposed replacement development is a material factor in my assessment of the conservation area consent appeal for the garage's demolition.

12. I have had regard to the planning permission cited by the appellant (Ref: DC/2016/01203) for a dwelling on Sunny Bank. However, the two schemes differ materially. The replacement dwelling at Sunny Bank is not recessed to the same degree, with local topography and boundary treatments differing from the appeal site. As planning proposals are considered on their own merits, I afford limited weight to this existing permission and have proceeded to determine the appeals with regard to the individual circumstances of the case.
13. I recognise that the appellant has sought to respond to the Council's advice in relation to matters such as scale, size, massing and external materials. Nonetheless, having regard to the duty imposed by Section 72(1) of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990, for the reasons above I conclude that the proposals would not preserve or enhance the character or appearance of the Abergavenny CA, contrary to policy HE1 criterion (a) of the Monmouthshire Local Development Plan (LDP). For the same reasons both appeal schemes would also be contrary to LDP policy DES1, in particular criteria (e), which amongst other things requires development to respect built views where they include historical features and/or attractive or distinctive built environments.

### **Other Matters and Conclusion**

14. I note that the appellant has agreed to Heads of Terms for a financial contribution towards the provision of affordable housing in the local area, as required by LDP policy S4 and consistent with the guidance in the Council's Affordable Housing Supplementary Planning Guidance. However, as no completed legal agreement has been submitted, I am not able to attribute this any weight as a benefit. Whilst the provision of a market dwelling on a brownfield site within an area of identified need carries moderate weight as a benefit, this does not outweigh the identified harm to the CA.
15. I have considered the other matters raised but none alter my decision. For the reasons given above I conclude that the appeal should be dismissed.
16. 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 objective of building healthier communities and better environments.

*Paul Selby*

INSPECTOR