



Penderfyniad ar yr Apêl

Ymweliad â safle a wnaed ar 30/11/22

gan **R Duggan BSc (Hons) DipTP MRTPI**

**Arolygydd a benodir gan Weinidogion
Cymru**

Dyddiad: 14.12.2022

Appeal Decision

Site visit made on 30/11/22

by **R Duggan BSc (Hons) DipTP MRTPI**

**an Inspector appointed by the Welsh
Ministers**

Date: 14.12.2022

Appeal Ref: CAS-02277-N5Q4F3

Site address: 60 Old Barn Way, Abergavenny NP7 6EA

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 Steve Bull against the decision of Monmouthshire County Council.
 - The development proposed is described as “the retention of domestic garage”.
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Decision

1. The appeal is dismissed.

Procedural Matters and Main Issues

2. It is clear from the evidence and my site visit that the development has already occurred and the garage is nearing completion. Whilst I note the description of the development refers to the “retention” of the garage, section 55 of the Town and Country Planning Act 1990 describes “development” as the “carrying out” of building operations and not their retention. As such I have determined the appeal on the basis that it seeks retrospective consent under the terms of Section 73A(2)(a) of the 1990 Act.
3. The as built garage has a steeply pitched roof covered in slate with two roof lights providing natural light to a storage area within the roof space and it benefits from a roller shutter door fronting the rear lane and an access door from the garden. It currently measures approximately 5.723m to the ridge and 2.818m to the eaves and is approximately 6.4m in width and 7m in length.
4. The planning application was recommended for approval by the Council’s planning officers subject to the ridge and eaves height of the garage being reduced. The Appellant agreed and amended plans were submitted prior to the determination of the application showing the ridge and eaves of the garage being reduced in height by 0.46m to approximately 5.263m and 2.358m respectively but the width and length of the garage would remain as built. My assessment of the appeal proposal is, therefore, based on the amended plans.
5. The application was subsequently refused by Members of the planning committee against the recommendation of officers. Having regard to the planning committee report,

representations made by interested parties, the reason for refusal set out on the decision notice and my site visit, I consider the main issues in this case to be the impact of the development on the character and appearance of the street scene and on the living conditions of neighbouring residents.

Reasons

6. The appeal site consists of a semi-detached property fronting onto Old Barn Way which benefits from off-road parking and a garden sited to the front of the property and a modest rear garden. The appeal property is located within a row of similarly designed semi-detached properties which have rear gardens of similar width and length which back onto a lane to the rear. Of particular note is that the vast majority of houses along the street contain single-storey flat roof garages and outbuildings within the rear gardens with some having direct access onto the lane, and there are no outbuildings of the same scale and height as the appeal garage.
7. Even with a reduction in the height of the ridge and eaves of the garage by approximately 0.46m, the garage would be seen as a visually dominant structure to the rear of the host property out of keeping with the more modest ancillary structures found within the rear gardens of neighbouring properties. The height of the pitched roof would also jar with the roof design of the host dwelling and neighbouring properties resulting in an incongruous development. Whilst the garage is screened to some extent in views from Old Hereford Road by mature trees, especially in the summer months when the trees are in full leaf (as shown by the Appellant's photographs), it is clearly visible from the rear facing windows of the neighbouring properties and by pedestrians walking along the rear lane.
8. The garage occupies a substantial part of the rear garden, and even with a reduction in height it would continue to be an imposing and visually dominant building out of keeping with the character and appearance of the area. I note that a double garage was granted planning permission in December 2019, however, the ridge height of that garage was 4m, which is significantly below the proposed revised height of the appeal garage.
9. Given its prominent position directly on the rear lane, I consider that the scale of the garage would seriously undermine the character and appearance of this pleasant residential area and cause significant harm to the street scene. Therefore, it would conflict with Policy DES1 of the Adopted Monmouthshire Local Development Plan (2019) which, amongst other things, requires all development to be of a high quality sustainable design and respect the local character and distinctiveness of Monmouthshire's built, historic and natural environment, and development proposals will be required to respect the existing form, scale, siting, massing, materials and layout of its setting and any neighbouring quality buildings.
10. Turning to the second main issue, concerns have been raised by neighbouring residents that the garage has an overbearing impact on their properties and negatively impacts on their living conditions.
11. I would agree with these concerns. From the rear garden and in views from the rear facing windows of No. 58 Old Barn Way, the outlook would be dominated by a mass of built form in a way that I consider would be overbearing. Moreover, the height and scale of the garage would result in an imposing form of development that would be visually over-dominant, exacerbated by the fact that the ground level of the appeal property is higher than No. 58. Notwithstanding the proposed reduction in the height of the garage, the development would be inappropriate to its context and increase the sense of enclosure with consequence adverse effects on the living conditions of the occupant(s) of No. 58 Old Barn Way contrary to Policy DES1 of the LDP.

12. I appreciate that the garage would provide the additional security for vehicles and other items stored within it, and that it has been constructed with a high quality finish with complimentary natural materials. However, this does not carry sufficient weight to overcome the concerns already identified in respect of the appeal.
13. Having regard to the above and considered all other matters raised, I conclude that the appeal should be dismissed.
14. 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 building a stronger, greener economy as we make maximum progress towards decarbonisation, making our cities, towns and villages even better places in which to live and work and embedding our response to the climate and nature emergency in everything we do.

R Duggan

INSPECTOR