



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 - 02327

Site address: Arosfa, Llanfair Discoed, Chepstow NP16 6LY

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 Ms Tegwen Duffield against the decision of Monmouthshire County Council.
 - The development proposed is a single-storey front extension.
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Decision

1. The appeal is allowed and planning permission is granted for a single-storey front extension at Arosfa, Llanfair Discoed, Chepstow NP16 6LY in accordance with the terms of the application, Ref DM/2022/00696, dated 09 May 2022, subject to the conditions set out in the attached schedule.

Procedural Matters and Main Issues

2. The planning application subject to this appeal was recommended for approval by the Council's planning officers, however, the application was 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 reasons for refusal set out on the decision notice and my site visit, I consider the main issues to be the impact of the development on the character and appearance of the host dwelling and locality and on the living conditions of neighbouring residents in terms of overshadowing.

Reasons

Character and Appearance

3. The appeal site consists of a semi-detached two-storey property located outside the village of Llanfair Discoed within open countryside. The house has been modernised and extended by a two-storey side extension in recent years, and the neighbouring dwelling has also been extended with a single-storey side extension. I observed that there are other similar semi-detached properties in the area which have also been extended, including extensions of varying size and design to the front elevations.

4. It is proposed to erect a single-storey extension to the front elevation of the appeal property effectively creating a new entrance/porch. It would measure approximately 4m in length and 3.6m in width with an eaves height of about 2.5m and a ridge height of 3.5m.
5. Policy H6 'Extension of Rural Dwellings' of the Adopted Monmouthshire County Council Local Development Plan (LDP) 2014, states "*In order to protect the character of the countryside extensions to dwellings outside village boundaries should be modest and respect or enhance the appearance of the existing dwelling. They will be required to: a) be subordinate to the existing building; and b) where the building is of a traditional nature, to respect its existing form, including the pattern and shape of openings, and materials*".
6. The Council's planning committee report also refers to its Supplementary Planning Guidance (SPG) 'Policies H5 & H6 - Replacement Dwellings in the Open Countryside & Extension of Rural Dwellings' (April 2015). Section 3.3 of the SPG states that "*Any extension that will result in an increase of more than 50% in the volume of a rural dwelling will not normally be considered to comply with Policy H6*".
7. I note that the property has previously been increased in size by approximately 46% following the construction of the two-storey side extension, and the proposed single storey extension would represent a further 15%, thus resulting in an increase in the overall volume of the property of approximately 61%. Although the proposed development would run counter to the general thrust of the advice contained within the Council's SPG, I have treated the document as providing no more than guidance which can assist in the assessment of planning applications including the application of the policies of the development plan. I consider that the advice set out in the SPG should not be treated as prescriptive.
8. In addition, policy H6 and the advice contained within the SPG are aimed at protecting the form, character and visual appearance of traditional/rural buildings in the open countryside from inappropriately sized extensions and alterations. It is clear that the property has already been recently extended and that this pair of houses are not traditional rural dwellings. It is within this context that I have assessed the appeal proposals.
9. I find that the design, siting and modest scale of the proposed front extension to be an appropriately designed and subservient addition to the property. In my judgement, the dwelling would not be overwhelmed by the extension and its identity and composition would be retained when seen from the adjoining highway and further afield. This pair of dwellings have already been extended and as a result are not symmetrical, and extending the property to the front would therefore not impact on the symmetry of this pair of semi-detached properties. The overall design, proportions and scale of the proposed extension would complement the character and form of the existing house and not dominate the plot.
10. I have had regard to the Council's concerns regarding the scale of the extension. However, my findings in this appeal must be based only on the individual planning merits of the scheme and the particular context of the case that is before me. The circumstances of other sites would be likely to be different and if proposals for extensions to rural dwellings or traditional farmhouses came forward elsewhere in the countryside, they would be assessed in the light of the individual factors relevant to those cases.
11. Having regard to the above, I find that the proposed development would not have a detrimental impact on the character and appearance of the host property or the locality. Therefore, it would comply with the related aims of Policies H6 and DES1 of the LDP.

Living Conditions

12. Due to the height of the extension and the fact that it would be sited approximately 1m from the common boundary concerns have been raised that it would cause overshadowing of the neighbouring property known as Cartref. I saw on my site visit that there is only one window to a habitable room on the ground floor of Cartref which serves a kitchen and this is approximately 5m away from the proposed side elevation of the extension.
13. The Appellant has submitted plans that assess the potential for overshadowing. The summer drawing shows that there would be no impact; in the spring/autumn the plans show that there would be a limited amount of shadowing; and the winter plan shows there would be potential for a limited level of overshadowing but this will reduce as the day goes on due to there being less light in the winter. No counter evidence has been produced by the Council.
14. Having regard to the evidence submitted by the Appellant and my observations on site, I am satisfied that the siting, height and orientation of the extension in relation to the nearest habitable window of Cartref would ensure that the extension would not result in any significant loss of sunlight or daylight within the kitchen. As the roof of the extension would be hipped this would also reduce the level of overshadowing that would be caused by the development.
15. For the above reasons, I conclude that the proposed development would not harm the living conditions of the neighbouring residents in terms of overshadowing, and there would be no conflict with Policies DES1 and EP1 of the LDP which, amongst other things, require development to protect the privacy and amenity of occupiers of neighbouring properties.
16. I have taken into account all other matters raised in objection to the proposal, including those about drainage and archaeology, but have been given insufficient evidence to justify the refusal of planning permission.

Conditions

17. I have considered the conditions suggested by the Council in the light of the Circular 16/2014: The Use of Planning Conditions in Development Management. I concur that the requested conditions are reasonable and necessary for the reasons given.

Conclusions

18. Having regard to the above and considered all other matters raised, I conclude that the appeal should be allowed.
19. 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

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall begin not later than five years from the date of this decision.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990.

- 2) The development shall be carried out in accordance with the following approved plans: Location Plan; Block Plan dated 13.07.2022; Shading Plan Summer dated 13.07.2022 (Page 1); Shading Plan March/Sept dated 13.07.2022 (Page 2); Shading Plan December dated 13.07.2022 (Page 3); Existing Elevations dated 22.04.2022; Biodiversity Statement; Block Plan showing 45 degree rule dated 24.03.2022; Elevations Proposed dated 18.07.2022 (Page 2).

Reason: To ensure that the development is carried out in accordance with the approved documents, plans and drawings submitted with the application.

- 3) The net biodiversity enhancement measures shall be installed in accordance with the details included within the "Biodiversity Statement" and drawing "Block Plan dated 13.07.2022" within one month of the extension being brought into beneficial use and shall be retained thereafter, unless otherwise agreed in writing by the local planning authority.

Reason: In the interests of biodiversity and to provide a net benefit to biodiversity in accordance with Policy 9 of Future Wales and Policy NE1 of the Monmouthshire Local Development Plan.