



Appeal Decision

by Richard James Bsc (Hons) Msc MRTPI

an Inspector appointed by the Welsh Ministers

Decision date: 12/02/2025

Appeal reference: CAS-03848-V5Z3P4

Site address: 4 Tanglewood Close, Abergavenny, NP7 5RJ

- 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 Sue Lenthall against the decision of Monmouthshire County Council.
 - The application Ref. DM/2024/00845, dated 30 June 2024, was partly refused by notice dated 6 November 2024.
 - The development proposed is a rear extension and front porch extension.
 - A site visit was made on 17 December 2024.
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Decision

1. The appeal is allowed and planning permission is granted for a rear extension and front porch extension at 4 Tanglewood Close, Abergavenny, NP7 5RJ, in accordance with the terms of the application, Ref DM/2024/00845, dated 30 June 2024, subject to the conditions set out in the schedule to this decision letter.

Procedural Matters

2. The Council has issued a split decision which has refused planning permission for the proposed rear extension and approved planning permission for the proposed front porch. Section 79 (1) (b) of the Town and Country Planning Act 1990 enables me, as the decision maker, to reverse or vary any part of the decision of the local planning authority and as such, the whole proposal is before me for consideration under this appeal.
3. The appeal form refers to unknown fees associated with the drawing of additional plans. However, the appeal form also clearly states that there is no intention to submit a costs application and there is no statement that explains the basis of any such application. There is therefore no formal application for costs before me and I have not considered the matter any further.

Main Issue

4. This is the effect of the proposal on the living conditions of neighbouring occupants within 3 Tanglewood Close (No. 3).

Reasons

5. 4 Tanglewood Close (No. 4) is located on the end of a row of two storey terraced residential dwellings, with rear garden areas and boundaries that run adjacent to a woodland to the south east. No. 4 has a rear lean-to conservatory sited close to its common side boundary with No. 3 to the north east.

6. The proposal, amongst other things, would provide an enclosed front lean-to porch and remove the rear conservatory, to provide a two storey rear extension with a tapered side elevation facing No. 3. This side elevation, once passing a depth similar to the former conservatory, would progressively increase in distance from No. 3's boundary, as it extends further into No. 4's rear garden.
7. Monmouthshire County Council Local Development Plan (LDP) Policies EP1 and DES1 state, amongst other matters, that extensions should have regard to and maintain reasonable levels of amenity of occupiers of neighbouring properties.
8. During my site visit, I saw that the rear garden areas along these terraced properties are small, with a high level of intervisibility between them and are enclosed to the rear via the existing deciduous woodland. However, I also saw that neighbouring development and the trees to the rear were not of such a size, density and close proximity to No. 3 so as to create a dark and gloomy living environment for its occupants. Increased foliage on these trees would be present during summer months and thus, would increase their potential shading. However, such effects upon No. 3's occupants would be limited by the sun's higher position within the sky during these months, as demonstrated within the winter and summer solstice plans provided (Drawing Nos. BR009 and BR010). As such, I do not consider that the existing levels of daylight and sunlight entering the rear garden and elevation openings of No. 3 throughout the year would be excessively limited.
9. The Council acknowledges that the proposal would comply with the '45 degree line test'. The submitted plans indicate that a previous proposal, which did not include the tapered side elevation, would cause little effect upon the levels of sunlight entering No. 3's rear windows and garden area during winter months. Whilst it would cause some additional shading during summer months, this would be limited to a few hours towards the middle of the day. The proposal before me would reduce the duration of this shading further, by enabling greater exposure of No. 3's rear elevation and garden area to the sun's direction of travel from east to west, due to the proposal's tapered elevation. I am not therefore persuaded that the proposal would cause a demonstrable and significant reduction in the levels of sunlight or daylight entering the rear openings or garden area of No. 3, having regard to the current levels they receive.
10. Turning to the proposal's effects upon the outlook of No. 3's occupants, the proposal would comprise a new tall structure in very close proximity to No. 3's rear windows and garden area. However, when standing within No. 3's rear garden, a good level of open space can be viewed over the side boundaries of neighbouring terraced properties to the north east, due in part to a lack of development in this direction. As such, the proposal would be unlikely to cause any significant tunnelling effect upon No. 3's occupants. I also saw that the proposed tapered side elevation would largely retain the angle of view from No.3's existing rear openings and would progressively increase its separation distance from No. 3's boundary. It would not, therefore, unacceptably loom over No. 3's occupants. Furthermore, the proposed rear elevation would also be set back from No. 4's rear garden boundary, so that occupants within No. 3's garden would, in addition to the open north easterly views, retain some views of the wider valley landscape over the common boundary with No. 4, past the proposal. As such, the proposal would maintain an acceptable level of outlook and sense of openness for No. 3's occupants.
11. With regard to existing privacy levels, the proposal would remove one of No. 4's existing rear first floor windows and block views of its remaining one down into No. 3's garden area. The proposed first floor window would be narrow, with an acute angle of view down into only part of No. 3's garden area. A new ground floor window would face No. 3's garden, however the appellant has indicated a willingness for this to be obscured with restricted opening. Subject to a condition to secure these measures, the proposal would

benefit the currently limited privacy levels of No. 3's occupants. This would further mitigate the effects of a minimal reduction in outlook and light caused upon them by the proposal.

12. The Council raises no concerns regarding the proposed front porch and I see no reason to disagree with this view, having regard to its subservient and sympathetic design.
13. Whilst permitted development rights have been removed from the appeal site, having regard to the fact that each case must be determined on its own merits, this does not outweigh my findings above.
14. As such, I conclude that the proposal would not be harmful to the living conditions of neighbouring occupants within 3 Tanglewood Close or be contrary to LDP Policies EP1 or DES1.

Other Matters and Conditions

15. The proposal would be located in close proximity to Abergavenny Pen y Fal Conservation Area. Having regard to its visually conducive design amongst existing residential development, it would preserve the character and appearance of the CA and its setting.
16. The proposal would be required to be carried out in accordance with the submitted plans and Green Infrastructure Statement, which detail proposed biodiversity enhancements that would comply with LDP Policy NE1 and the objectives of national policy. As such, a condition to require the implementation of biodiversity enhancement measures is unnecessary.

Conclusion

17. For the reasons given above and having regard to all other matters raised, I conclude that the appeal should be allowed.
18. 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 one or more of the Welsh Ministers' well-being objectives.

Richard James

INSPECTOR

SCHEDULE OF CONDITIONS

1. The development shall begin not later than five years from the date of this decision.
Reason: In accordance with the provisions of Section 91 of the Town and Country Planning Act 1990.
2. The development shall be carried out in accordance with the following approved plans:
OS Plan, Existing and Proposed Site Plan, Drawing No. BR0005a
Existing Floor Plans, Drawing No. BR001
Existing Elevations, Drawing No. BR002
Proposed Floor Plans, Drawing No. BR003a

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Proposed Elevations, Drawing No. BR004b

Green Infrastructure Statement dated 15 July 2024.

Reason: To ensure the development is carried out in accordance with the approved plans submitted with the application.

3. Before the development hereby permitted is brought into use, the ground floor window on the side elevation facing the garden area of 3 Tanglewood Close shall be fitted with obscured glazing and be of restricted opening, details of which shall first be submitted to and agreed in writing by the local planning authority. The window shall be permanently retained in that condition thereafter.

Reason: To safeguard the living conditions of occupants with 3 Tanglewood Close, in accordance with Monmouthshire Local Development Plan Policies EP1 and DES1.