



## Appeal Decisions

---

by H W Jones BA(Hons) BTP MRTPI

an Inspector appointed by the Welsh Ministers

Decision date: 18/12/2025

Site address: Little Bank, 8 Porthycarne Street, Usk, NP15 1RY

---

Appeal A reference: CAS-03795-L9Y4M5

- The appeal is made under section 100 of the Historic Environment (Wales) Act 2023 against a refusal to grant of listed building consent.
  - The appeal is made by Ms R Lloyd and Mr D Perry against the decision of Monmouthshire County Council.
  - Listed building consent (ref: DM/2022/00419), dated 15 March 2022, was refused by notice dated 18 June 2024.
  - The works proposed are described as “Proposed extension, external and internal alterations to existing dwelling. Including infill roof over external staircase forming link structure. Construction of amenity space balcony. Replacement timber joinery internally and externally. Positioning of Air Source Heat Pump”.
  - A site visit was made on 14 October 2025.
- 

Appeal B reference: CAS-03825-P0F7S1

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
  - The appeal is made by Ms R Lloyd and Mr D Perry against Monmouthshire County Council.
  - The application (ref: DM/2022/00736) is dated 17 May 2022.
  - The works proposed are described as “Design variations to Planning Permission Ref:- DC/2013/00985. including modified link structure and Construction of amenity balcony”.
  - A site visit was made on 14 October 2025.
- 

## Decisions

### Appeal A

1. For the reasons given above I conclude that the appeal should be allowed in part and dismissed in part. The appeal is dismissed insofar as it relates to the air source heat pumps. The appeal is allowed insofar as it relates to the replacement truss, window boxes, stair removal and re-location, movement of all upper floors, partitions and wall

coverings, roof infill link structure, and listed building consent is granted for replacement truss, window boxes, stair removal and re-location, movement of all upper floors, partitions and wall coverings, roof infill link structure at Little Bank, 8 Porthycarne Street, Usk, NP15 1RY in accordance with the terms of the application, (ref: DM/2022/00419), dated 15 March 2022 and the plans submitted with it so far as relevant to that part of the development hereby permitted and subject to the conditions set out in the attached schedule.

### **Appeal B**

2. The appeal is allowed and planning permission is granted for an air source heat pump, installation of window to the north west and a sky light at Little Bank, 8 Porthycarne Street, Usk, NP15 1RY, in accordance with the terms of the application, (ref: DM/2022/00736), dated 17 May 2022, subject to the conditions set out in the attached schedule.

### **Procedural Matters**

3. On receipt of appeal B in October 2024 a PEDW case officer initially advised that the appeal against the Council's failure to determine the planning application was invalid because it was not made within the requisite 6 month period. That position was subsequently reviewed and the appeal was duly registered.
4. The Council explains that it was unaware that the appeal had been registered and proceeded to determine the application, granting planning permission on 20 December 2024. It is not for me to comment on the legal status of the permission granted by the Council other than to note that it was made outside the period of 'dual jurisdiction' which allows local planning authorities to determine applications subject to non-determination appeals within a 4-week window from the time the appeal is lodged. I shall proceed to determine the appeal.
5. The descriptions of development set out in the above banner headings are taken from the application forms. In relation to appeal A the Council's decision notice uses an amended description which is "Replacement Truss, window boxes, stair removal and re-location. Movement of all upper floors, partitions and wall coverings. roof infill link structure, amenity space balcony. Air Source Heat Pump". The Council has described the proposed development in the planning application (appeal B) as "an air source heat pump, installation of window to the north west and a sky light".
6. As I consider that the Council's wording to be more precise in both cases they shall form the basis of the descriptions I have used in my decisions, noting that these descriptions do not alter the substance of the development as described in the relevant plans except in one respect. The appellants' descriptions refer to an "amenity space balcony" and "amenity balcony" and there is a similar reference in the Council's appeal A wording. However, whilst the early plans submitted with the listed building consent (LBC) application show a balcony and steps connecting to a garden, the later plans show a wall separating the garden with no reference to a balcony or to steps. As the submission of the amended plans effectively withdrew the balcony from the application, I have omitted reference to it in my description of the development as set out in the appeal A decision.
7. During the course of both applications the elevational drawings and the plans ('the plans') were amended several times. I shall determine the appeals on the basis of the latest plans presented to the Council prior to the respective appeals being lodged.
8. After appeal A was determined further revised plans were submitted to the Council in relation to the application the subject of appeal B. I will base my assessment of appeal B on those latest plans, submitted in July 2024. However, Regulation 17 of The Listed

Buildings and Conservation Areas (Procedure and Interest Rate) (Wales) Regulations 2024 explains that after notice of appeal an application may not be varied if it changes the substance of the application. Accordingly, I am unable to consider those plans in my assessment of appeal A.

9. Much of the work has already been undertaken. A neighbour points out that some of the work is not in full accordance with the details shown on the plans, and there may be elements of the work that has not been completed. I have assessed the scheme on the basis of the relevant plans, which is the basis of the applications and the associated consultations.
10. The appellants suggest that the provision of the air source heat pump (ASHP) may benefit from permitted development rights. This is a matter outside the remit of a section 78 appeal - sections 191 and 192 of the 1990 Act enable matters of lawfulness of development to be formally determined under a separate procedure that would be unaffected by my decision. As the ASHP forms part of the planning application I shall determine its acceptability on the basis of its planning merits.
11. Given the degree of commonality between the 2 appeals I have dealt with them together distinguishing between them in my reasoning and in my decisions as required.

### **Applications for costs**

12. Applications for costs have been made by Ms R Lloyd and Mr D Perry against Monmouthshire County Council. These applications are the subject of separate Decisions.

### **Main Issues**

13. There is one main issue that applies to both appeals, that is whether the development preserves the special character and interest of this Grade II listed building and the setting of the nearby listed buildings and the character and appearance of the Usk Conservation Area (CA). For appeal B there is an additional main issue, that is the effect of the development on the living conditions of neighbouring residents, particularly in terms of any overlooking or noise disturbance.

### **Reasons**

#### *Listed Building and Conservation Area*

14. Little Bank is a long two-storey house that fronts Porthycarne Street. It is listed for its status as an ancillary building to Bank House, which it historically served as a stable, and its group value with other listed buildings in the street. It also lies within the Usk CA. A former Coach House at the rear is now linked to the main building in works previously approved by the Council.
15. A narrow, arrow slit window has been created in the linking structure at first floor which faces the rear amenity space of a neighbouring dwelling. It serves a stairwell and landing with a rooflight above. Cadw raises no objection to this addition and the associated works to house it. In the context of the building, which contains various styles of windows, I agree that this alteration, as proposed, would not harm the character of the building or its surroundings. The work is presently unfinished – the plans show lime render to face the cheeks that frame the opening which had not been applied at the time of my visit.
16. Whilst the appellants point to practical difficulties in gaining access to the external face of the side wall, ensuring access to a party wall is a private interest matter. I agree with the Council that the render is required given that the present exposed stonework is at odds

with the rendered finish that characterises the building. The suggested condition requiring timely implementation of this work is therefore necessary.

17. The other notable alteration to the building is the provision of an air source heat pump (ASHP). During my visit I noted its position at ground level on the northeast elevation of the building where there was also what appeared to be an air conditioning unit which is not part of the scheme before me. For the purposes of appeal A, the relevant plan (No: [PP] 01 B) on which I base my assessment, shows 2 ASHP units side by side on this wall in a position a little below the eaves line.
18. The elevated position of the ASHPs as shown means that they would be unduly prominent. Their bulky design means that they would be incongruous features both in relation to the traditional character of the host building and its surroundings. I agree with the findings of Cadw both in relation to the unacceptability of the ASHP and the acceptability, subject to conditions, of the other alterations. As the ASHP is a severable component of the scheme I shall issue a split decision which will dismiss the appeal in this respect but grant consent for the remainder of the work.
19. In contrast to the LBC application, the application subject of appeal B, was amended to show a single ASHP at ground level in a location screened from any public vantage point. I agree with the Council that it causes no harm to the special character of the building or its surroundings. In all other respects this scheme is the same as appeal A.
20. I conclude on the main issue in relation to appeal A that the ASHP would harm the character and appearance of the host listed building and the Conservation Area in conflict with Planning Policy Wales 12 (PPW) and Technical Advice Note 24. The remainder of the works the subject of the LBC appeal and the entirety of the works the subject of appeal B do not harm the special character or interest of the host listed building or the setting of any nearby listed buildings, nor is there any harm to the character or appearance of the CA. In these respects, the schemes align with national policy.

#### *Living Conditions*

21. My visit confirmed the potential for overlooking from the first-floor side window on to the adjoining rear amenity space of the neighbouring property, which enjoys a high level of privacy at present. As the Council suggests, ensuring that the window is non-opening and is fitted with obscure glazing at all times, will avoid what would otherwise be potentially intrusive overlooking. Concerns over overlooking from the balcony do not arise as it does not form part of the scheme.
22. The Council's Specialist Environmental Health Officer expressed concerns over the potential of noise from the wall mounted AHSP. The position now proposed in appeal B overcomes those concerns, subject to the imposition of a noise limiting condition.
23. I note photographs that have been presented showing light being emitted through the subject narrow window. Such effects are commonplace between neighbouring properties in urban locations and do not cause unacceptable disturbance to nearby residents.
24. Thus, on the second main issue I find the effects of the development on the living conditions of neighbouring residents, subject to the mitigating conditions, to be acceptable. The scheme therefore accords with policies DES1 and EP1 of the Monmouthshire Local Development Plan.

#### **Other Matters**

25. I note that the appellants describe personal circumstances that have been affected by the delay in processing the applications, but this does not affect my assessment of the planning merits of the schemes.

26. In accordance with the expectations of PPW the scheme proposes biodiversity enhancement measures, which can be secured by planning condition.
27. An objector questions the need for the side window given the rooflight that serves the same space. As I have found that it causes no harm, any question of necessity does not arise.

### **Conclusion**

28. For the foregoing reasons I find that the AHSPs proposed in appeal A would cause unacceptable harm to the host buildings and its surroundings and as such I shall dismiss that element of the appeal. I shall allow the appeal in respect to the remaining elements of that appeal and in relation to appeal B as they would cause no unacceptable effects.
29. 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.

*H W Jones*

INSPECTOR

---

### **SCHEDULE OF CONDITIONS**

#### **Appeal A, Ref: CAS-03795-L9Y4M5**

1. The development shall be carried out in accordance with the following approved plans: [PP] 01 B and [PP] 02, except insofar as it relates to the air source heat pumps.  
REASON: To ensure the development is carried out in accordance with the approved plans submitted with the application.
2. Within 3 months of the date of this decision the following works shall be completed in full in respect of the first-floor landing window (to the North West elevation):
  - (i) The window shall be non-opening and fitted with obscure glazing to a level equivalent to Pilkington scale of obscurity level 3;
  - (ii) Both cheeks to the window shall be lime rendered, as noted on approved plan [PP] 01 B.

The window shall remain non-opening and obscure glazed thereafter.

REASON: To protect local residential amenity and to ensure compliance with Policies DES1 and EP1 of the Monmouthshire Local Development Plan.

3. Within 3 months of the date of this decision the biodiversity enhancement measures shown on the approved plans shall be completed in full and thereafter retained.  
REASON: To secure biodiversity enhancement in compliance with Planning Policy Wales.

#### **Appeal B, Ref: CAS-03825-P0F7S1**

1. The development shall be carried out in accordance with the following approved plans: [PP] 01 C and [PP] 02 A.

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

2. Within 3 months of the date of this decision the following works shall be completed in full in respect of the first-floor landing window (to the North West elevation):
  - (iii) The window shall be non-opening and fitted with obscure glazing to a level equivalent to Pilkington scale of obscurity level 3;
  - (iv) Both cheeks to the window shall be lime rendered, as noted on approved Drawing [PP] 01 C.

The window shall remain non-opening and obscure glazed thereafter.

REASON: To protect local residential amenity and to ensure compliance with Policies DES1 and EP1 of the Monmouthshire Local Development Plan.

3. The noise level emitted from the Air Source Heat Pump hereby approved, as shown on Drawing [PP] 01 C, shall not exceed 60dB Sound Power Level (SWL) at any time.

REASON: To protect local residential amenity and to ensure compliance with Policies DES1 and EP1 of the Monmouthshire Local Development Plan.

4. Within 3 months of the date of this decision the biodiversity enhancement measures shown on the approved plans shall be completed in full and thereafter retained.

REASON: To secure future biodiversity enhancement in compliance with Planning Policy Wales.