
Penderfyniad ar yr Apêl

Ymweliad â safle a wnaed ar 22/11/16

**gan Paul Selby BEng (Hons) MSc
MRTPI**

Arolygydd a benodir gan Weinidogion Cymru

Dyddiad: 09.12.2016

Appeal Decision

Site visit made on 22/11/16

by Paul Selby BEng (Hons) MSc MRTPI

an Inspector appointed by the Welsh Ministers

Date: 09.12.2016

Appeal Ref: APP/E6840/A/16/3158353

Site address: Land adjoining Old Coach House, Llanishen, Chepstow NP16 6QH

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 Robin Stiley against the decision of Monmouthshire County Council.
 - The application Ref DC/2014/00902, dated 17 July 2014, was refused by notice dated 11 March 2016.
 - The development proposed is Construction of two storey self contained dwelling and creation of new vehicular/pedestrian access.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. Notwithstanding the description of development on the application form, I have used that contained on the Council's Decision Notice, which more accurately describes the proposal.

Main Issues

3. The main issues are the effect of the proposal on: a) the character and appearance of the immediate area and the Wye Valley Area of Outstanding Natural Beauty (AONB); b) highway safety; and c) the living conditions of neighbouring occupants, with particular regard to overlooking and overshadowing.

Reasons

4. The appeal site fronts onto a narrow lane incorporating residential dwellings, mature boundaries and low stone walls within Llanishen, a dispersed settlement of mixed character identified in the Monmouthshire Local Development Plan (LDP) as a 'Main Village'. The site falls within the existing curtilage of the Old Coach House, a dwelling of traditional rural design to which vehicular access is currently gained from a narrow rural lane to the south. An original stone structure and wall occupies part of the site and adjoins the garden of No 6 Wayne Close. A cluster of mature trees marks the boundary with other properties on Wayne Close.
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Character and appearance

5. LDP policy H2 allows residential development within Main Villages such as Llanishen subject to certain criteria, including impact on village form and character. The reuse of the existing stone structure combined with the sympathetic design and modest proportions would, despite the significant glazed areas, afford the proposed dwelling a rural appearance appropriate to the context. However, the northwest wing of the appeal building would project significantly beyond the front elevations of the two neighbouring properties. Viewed from within the narrow lane fronting the site the proposal would appear substantially taller and more prominent than the current stone structure and would markedly diminish the open and verdant character of the existing garden area. The building would be taller than the Old Coach House and its height would be further amplified by its proximity to the neighbouring property. Despite the relatively narrow width of the front gabled element, it would appear as a dwelling of substantial scale, overwhelming the small plot. Whilst there is no consistent style, orientation or siting of dwellings within Llanishen, the appeal building would appear unduly prominent in nearby views, and would afford the lane a claustrophobic appearance that would materially harm the dispersed rural character of the village.
6. Furthermore, the existing stone structure and boundary wall between the appeal site and 6 Wayne Close has substantial historic charm. Despite the modern design of the neighbouring semi-detached property, the stone wall, vegetation and adjacent mature trees provide an intrinsically rural context to No 6 and its immediate neighbours, which contribute positively to the character of the village as a whole. Even were elements of the existing wall to be incorporated into the appeal building, the blank, uniform appearance of the northeast elevation of the proposal would substantially alter the setting of the neighbouring properties, with consequent visual harm to the immediate area.
7. The appellant has referred to the Newport Infill and Backland Development Supplementary Planning Guidance, but as that document relates to a different development plan I afford it substantially limited weight. I have had regard to the planning permission opposite the appeal site, but from the submitted information the design of the permitted dwelling appears materially different from the appeal proposal, particularly in terms of its separation from neighbouring buildings and its set back front elevation.
8. For the reasons given above, I conclude that the proposal would materially harm the character and appearance of the area, contrary to the design objectives of policies S13, S16, S17, EP1, DES1 and H2 of the Monmouthshire Local Development Plan (LDP). In reaching this decision I have had regard to the statutory purpose of the AONB to conserve and enhance the natural beauty of the area. I consider that the verdant appearance of much of the appeal site and the existing stone structure and wall contribute to the character and setting of Llanishen. The villages of the AONB are an essential component of the designation and the proposal, due to its inappropriate siting and visual dominance, would erode the landscape setting of the village. The proposal would thus not conserve or enhance the natural beauty of the Wye Valley AONB and would run counter to LDP policy LC4.

Highway safety

9. The appeal site would incorporate space for parking vehicles, accessed via a new driveway shared with The Old Coach House onto the lane to the northwest. There are a number of driveways and two road junctions in close proximity to the proposed

access point, and the lane is significantly limited in width. I observed on my site visit that the cluster of dwellings near to the appeal site affords vehicle drivers the experience of travelling through a village rather than the open countryside. Despite the lack of a speed limit and the low volume of traffic on the lane, these factors appeared to substantially limit vehicle speeds.

10. Based on the information before me and from what I saw on site, the visibility available from the proposed access point would fall below the minimum distances identified in Technical Advice Note 18 – Transport (TAN 18) for a built-up area. However, the curvature of the lane and the gap between the proposed dwelling and driveway would afford approaching drivers a clear view of the access point from both directions. Given the character of the lane and its effect on limiting vehicle speeds I consider that the level of visibility from and towards the proposed driveway would be sufficient to avoid harmful conflicts between road users.
11. Furthermore, I saw on my site visit that visibility for vehicles exiting the existing driveway for the Old Coach House is substantially limited to the southeast, and the curve of the lane also restricts views to the northwest. Whilst the proposal would materially increase the number of vehicles accessing the site, and similar benefits for the Old Coach House could be achieved without an additional dwelling being provided, I consider that the proposed re-sited driveway and provision of a turning area would result in an improvement in highway safety terms for the existing dwelling. I afford this substantial weight. For these reasons I conclude that the proposal would be acceptable in highway safety terms, and therefore in accordance with the objectives of LDP policies S16 and MV1, and with the general thrust of TAN 18.

Living conditions

12. The dwelling would be located on the property boundary of 6 Wayne Close, but offset to the rear of the neighbouring dwelling. The northeast elevation facing the garden of No 6 would incorporate two fixed, obscure glazed windows and one rooflight which would be over 2 metres above first floor level and would serve a bathroom. Given this, there would be no harmful overlooking from the appeal property towards No 6. Furthermore, due to the modest size and placement of the openings in the northeast elevation, I consider there would be no unacceptable perception of overlooking within the neighbouring garden or dwelling.
13. Whilst the existing garden area of 1 Church Road and the permitted dwelling within its curtilage would lie relatively close to the northwest elevation of the appeal building, views between the properties would be across a public highway and substantially screened by the tall boundary hedge.
14. The dwelling would be located at the boundary of No 6 and would be significantly taller than the current stone wall and structure. However, it would be positioned towards the north of the site, and as a consequence any overshadowing onto the neighbouring garden would be substantially limited in extent and duration. The pitched roof form would offset the bulk of the proposal and the open outlook of the neighbouring garden to the north and east would be retained.
15. For the reasons given above, I conclude that the proposal would not materially harm the living conditions of neighbouring residents and would therefore accord with the amenity objectives of LDP policy EP1.

Other Matters

16. I have had regard to other matters raised, including in relation to noise and disturbance, potential ecological interests on the site, and potential dangers of tree felling. However, as I am dismissing the appeal against a main issue for the reasons given above, I have not pursued these matters further.
17. I have considered the duty to improve the economic, social, environmental and cultural well-being of Wales, in accordance with the sustainable development principle, under section 3 of the Well-Being of Future Generations (Wales) Act 2015 (the WBFG Act). In reaching this decision, I have taken into account the ways of working set out at section 5 of the WBFG Act and I consider that this decision is in accordance with the sustainable development principle through its contribution towards one or more of the Welsh Ministers' well-being objectives set out in section 8 of the WBFG Act.

Conclusion

18. I recognise the benefits of providing an additional dwelling within the village, and note the support received from the Community Council. I also acknowledge that the appellant has sought to adjust the design to counter the Council's concerns during the lengthy application process. Furthermore, I have concluded that the proposal would not unacceptably harm the safety of highway users or the living conditions of neighbouring residents. However, these matters do not outweigh the identified harm to the character and appearance of the area and the AONB. For the reasons given above, I conclude that the appeal should be dismissed.

Paul Selby

INSPECTOR