



Penderfyniad ar yr Apêl

Ymweliad â safle a wnaed ar 30/3/22

**gan Declan K Beggan BSc (Hons) MSc
DipTP DipMan MRTPI**

**Arolygydd a benodir gan Weinidogion
Cymru**

Dyddiad: 03.08.2022

Appeal Decision

Site visit made on 30/3/22

**by Declan K Beggan BSc (Hons) MSc
DipTP DipMan MRTPI**

**an Inspector appointed by the Welsh
Ministers**

Date: 03.08.2022

Appeal Ref: CAS-01494-S9H7F0

**Site address: Land affronting Lewis Terrace, Lewis Terrace, New Quay, SA45
9PJ**

**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 Dr Tom Havard against the decision of Ceredigion County Council.
 - The development proposed is described as 'Development of a single storey dwelling with associated access, parking and private amenity area'.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. After the site visit the appellant submitted a Section 106 legal agreement. The agreement relates to a commuted sum in regard to affordable housing provision. The Council are satisfied with its contents and are signatories to the document. I have had regard to the agreement in my consideration of the appeal.

Main Issues

3. I consider the main issues in this case are the effect of the proposed development on:
 - The setting of nearby listed buildings;
 - The character and appearance of the surrounding area, including the setting of the adjacent New Quay Conservation Area (CA);
 - The effect of the proposed development on the living conditions of nearby occupants with particular reference to privacy;
 - Highway safety;

- Land stability; and,
- If harm is found regarding any of the above, whether there are other material considerations sufficient to outweigh the harm.

Reasons

4. The appeal site comprises an irregular shaped parcel of land located on coastal hillside to the rear of a terrace of dwellings located at Marine Terrace within the settlement of New Quay. The site forms part of 13 Marine Terrace and is used in connection with the property. During my site visit I noted that the site had paraphernalia associated with domestic use such as a shed, an outdoor fire area, seating area, trampoline, raised horticultural bed, and children's outdoor toys. Vehicular access to the site is off Lewis Terrace, with pedestrian access to No. 13 gained from another garden area to the rear of the property. A public footpath which is also part of the Welsh Coastal Path runs through the site which links Lewis Terrace to Marine Terrace. To the east and south the site abuts the CA.
5. I note that the appellant's Planning Statement asserts, "Numerous properties along Lewis Terrace, Marine Terrace and Rock Street are listed" and these are identified on the submitted Historic Wales Map extract. The Planning Statement notes that "a number of the properties along Lewis Terrace and Marine Terrace are grade II listed, these dwellings are mostly considered to be listed due to their group value with adjoining terraced houses". The listed properties are sited within the CA.
6. The appeal site is within very close proximity of many listed buildings, some of which have curtilages directly adjacent to the appeal site. Despite variation in properties, this part of New Quay has townscape with a very definite character as highlighted by Cadw in their letter dated 3 March 2022, where it describes three distinct tiers of terraces wrapping around the coastal hillside with properties mainly built in the late Georgian style and whose linear street pattern has altered little over the years.
7. My site visit revealed that many of the dwellings along Lewis Terrace, Marine Terrace and Rock Street appeared little altered with features such as unpainted stucco and painted roughcast walls, slate roofs, stone stacks, and hornless sash windows including 12 and 16 pane types. From multiple viewpoints around New Quay, the separate tiers of properties are evident due to intervening green space in the form of gardens. The above features at an individual level and collectively add to the significance of the listed properties as heritage assets.
8. As stated above, New Quay has many listed buildings and other heritage assets contained within a relatively small area. The fabric of the settlement and the CA is one of a tightly knit arrangement of buildings separated by greenery and facing seawards. Adjacent to the appeal site are many period properties of architectural merit and historic significance, which are indicative of the wider built environment as seen within the CA. Collectively these buildings, the space they occupy, their relationship to each other and intervening open space, make a positive contribution to the character and appearance of the CA, and contribute to its significance as a heritage asset.
9. The appeal site although it has elements of development on it, nonetheless, appears from many viewpoints as an open green space that relates well to and visually reflects the general pattern of development in the area; it makes a positive contribution to the character and appearance of the CA.

Listed Buildings

10. Section 16 (2) and 66 (1) of the Act [The Planning (Listed Buildings and Conservation Areas) Act 1990] require the decision maker, in considering whether to grant listed building consent, for any works, or development, affecting a listed building, or its setting, to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses; Planning Policy Wales Edition 11 (PPW) and Technical Advice Note 24: The Historic Environment (TAN 24), reiterate this stance.
11. TAN 24 defines the setting of an historic asset as including the surroundings in which it is understood, experienced, and appreciated, embracing present and past relationships to the surrounding landscape. PPW states that it is important that the planning system looks to protect, conserve and enhance the significance of historic assets, and that this will include consideration of the setting of an historic asset which might extend beyond its curtilage.
12. The proposed development would result in a single storey flat roofed dwelling of contemporary design. In terms of the listed building aspect of the Council's first reason for refusal, it argues the proposal by reason of its location, design, and appearance would not preserve or enhance the setting of those nearby listed buildings, nor indeed the CA which I address later. The Council are of the view that the proposed development is at odds with the prevailing character of the area and would result in a standalone dwelling that fails to compliment the area in terms of layout, scale and height to the detriment of the listed buildings.
13. Whilst I appreciate the proposal is supported by a number of documents such as a Landscape Character and Visual Impact Assessment, and a Planning Statement, along with other appeal submissions, nonetheless the focus of those submissions is not on the impact of the proposal on the setting of heritage assets. The Act requires that *special regard* (my emphasis) be paid to preserving listed buildings or their settings.
14. Based on my site observations and bearing in mind the views of Cadw, I consider the setting of the various listed buildings to my mind is strongly expressed in their architectural interest and common features, their group value as a coherent collection of buildings in a distinctive local style within a townscape that is predominantly tiered and terraced in nature, and also interspersed with greenery that is generally devoid of development.
15. The setting of the numerous listed properties, although slightly diluted by some recent development, nonetheless retain much of the historic character as described above. The proposal by contrast would introduce a structure that due to its modern appearance would be at odds with the prevailing character of adjacent buildings, many of which are listed and which the proposal would be seen within the context of their setting.
16. Contrary to the views of the appellant, despite the proposed dwelling's single storey nature and use of materials, I consider its overall form and contemporary appearance would draw the eye of the observer whether that be at close range such as the adjacent public footpath which also forms part of the Wales coastal path, or from various more distant vantage points within the locality such as around the harbour, with any effects being much more pronounced than that suggested by the appellant. The proposal's location within an open green corridor of land adds to its prominence, and its development as proposed would be to the significant detriment of the setting of nearby listed buildings which have a collective group value.

17. The development of the appeal site with a dwelling would erode and detract from the prevailing character of the area that appears as distinct tiers of terraces wrapped around the coastal hillside whose linear street form is interspersed and separated by a discernible pattern of open space and vegetation that forms part of a coherent townscape that allows the historic street pattern to be appreciated and which is integral to, and forms the backdrop to the setting of the listed buildings.
18. I appreciate the existing site has already got built development on it but its impact at close range and particularly so with distant views is minimal. I also appreciate that other properties in the locality have erected various structures in their gardens, however these structures are very modest in scale and as a result their impact is not visually comparable to the proposed development. Whilst additional landscaping would assist in screening the development from view within the setting of the listed buildings, nonetheless it is still likely to be evident at close range and in the winter months when screening effects are reduced due to loss of foliage.
19. The appellant argues that the proposal reflects in scale and form dwellings to its rear, however in terms of the significance to the setting of the listed buildings these are very much in the minority and they, unlike the proposed development, utilise materials that in part reflect those used on many of the listed properties, and generally follow the pattern/alignment of development that wraps around the hillside in identifiable bands.
20. I appreciate that PPW at paragraph 3.16 advocates innovative design and that decision makers should not attempt to impose a particular architectural style, however, PPW under the same paragraph also states that decision makers need to examine the issues in detail and consider if the proposal meets the objectives of good design including *the relationship between the site and its surroundings* (my emphasis), and that is exactly what I have done.
21. Pulling the threads of the above together, I find that the proposed development for the reasons given above would adversely affect the setting of nearby listed buildings to the detriment of their significance as heritage assets. As a result, the proposal would run contrary to the Act, policies DM06 and DM07 of the LDP, and national planning policy contained within PPW, in addition to advice within TAN 24, which collectively seek to protect heritage assets such as listed buildings.

Character and Appearance/Conservation Area

22. The immediate area directly adjacent to the appeal site comprises the CA which is characterised by many notable historic period buildings which despite variation have a very definitive townscape character with their tight knit arrangement separated by greenery and the space around; collectively these buildings, the space they occupy and their relationship to each other, make a positive contribution to the character and appearance of the CA, and contribute to its significance as a heritage asset.
23. The Act requires that special attention be paid to the desirability of preserving or enhancing the character or appearance of CA's. PPW states there will be a strong presumption against the granting of planning permission for development that would damage the character or appearance of the CA or its setting to an unacceptable level. As mentioned previously, PPW also refers to setting extending beyond the curtilage of an asset. The Cadw publication, "Setting of Historic Assets in Wales" states that "Setting often extends beyond the property boundary of an individual historic asset into a broader landscape context".
24. TAN 24 refers to conservation area designation providing the basis for policies designed to preserve or enhance all the aspects of character or appearance that define an area's

special interest: this might include the pattern of settlement and the organisation of space and routes as well as the style and type of building, and the use of materials and detail. Policy DM06 of the LDP states that regard should be had to whether a site is located within or near a conservation area, whilst policy DM07 of the LDP refers to development having regard to national guidance.

25. Whilst the site may be outside of the CA, nonetheless, planning policy has long recognised the relevance of conservation areas to schemes outside of their boundaries. The site currently makes a minor positive contribution to the setting of the CA due to the fact that it has little in the way of built development on it and it provides a sense of the openness, greenery and separation of the built structures that form part of the setting to not only listed buildings but the overall CA. The settings of the various heritage assets adjacent to the site are currently not detrimentally affected by its current state.
26. It is notable that the Cadw response to this appeal referred to the group value of the listed buildings adjacent to the appeal site which are within the CA; any detriment to the setting of any of these individual assets is likely to lessen the group value of the others. Bearing in mind my findings on the first main issue, then it must follow that the proposal would be detrimental to the historic character and appearance of the CA and its significance as a heritage asset, and as a result it would not be enhanced.
27. In arriving at this view, I am conscious that there are a number of detached dwellings to the rear of the site on higher ground, however, even these, unlike the appeal proposal, despite some modern additions, reflect elements of the local vernacular in their use of materials, space about dwellings and the general pattern/alignment of development.
28. In terms of landscape character, the appellant argues that based on the screening provided by a combination of the natural topography of the area, intervening residential properties and vegetation, it is considered that the site could accommodate a new residential development without unacceptable landscape character impacts in its immediate setting or the wider landscape; I disagree.
29. In terms of LANDMAP which provides a landscape character assessment tool for Wales, the site falls within the New Quay aspect area. In regards to the 'Visual and Sensory Aspect' area the locality is described as being of moderate overall value, and is a harbourside/seaside village comprising irregular terraces set into steep slopes of the headland with outstanding views along the coast, and that the principal guidelines are to *conserve and enhance the traditional village core and develop guidance for integration of development into the landscape* (my emphasis); for the reasons previously described above the proposed development does not achieve this.
30. Notwithstanding the submitted details, partial views of the proposed dwelling would be evident from various vantage points in the locality and as detailed above, the proposal would appear as a visible modern structure, that would be in contrast to surrounding townscape/landscape character. Whilst in proximity to other built development, nonetheless the development of a site relatively devoid of structures, would detract from and, in my opinion, unacceptably harm the landscape character and appearance of the area, notwithstanding any mitigating effects such as local topography, or existing/proposed landscaping.
31. The proposal due to its detrimental impact on the setting of the CA, would neither preserve nor enhance its character or appearance. In addition, the proposal would unacceptably harm the landscape character of the area. This would run contrary to policies DM06, and DM07 and DM17 of the LDP, and national planning policy contained within PPW, in addition to advice within TAN 24, which collectively seek to protect heritage assets such as conservation areas and/or seek to safeguard visual amenities.

Living Conditions

32. The Council's second refusal reason relates to the impact of the proposal on the amenity of neighbouring properties in regard to loss of privacy and a perceived feeling of being overlooked.
33. The site adjoins the rear boundary of the properties along Marine Terrace and due to the topography of the area, it lies at a higher level, roughly just above the eaves of those properties. The site is relatively generous in terms of its area and the proposed dwelling would be set back adjacent to the eastern boundary. The Council accept there would be no direct overlooking from the dwelling itself, rather the harm it is argued is that the use of the overall site for separate residential purposes would result in an increase in overlooking and a perception of being overlooked; I disagree.
34. The site is already used for parking by the occupants of 13 Marine Terrace, and during my site visit I noted that it had paraphernalia associated with its domestic use such as a shed, an outdoor fire area, seating area, trampoline, raised horticultural bed, and children's outdoor toys. As accepted by the Council, there is already a degree of overlooking from the site due to its current residential use. Within a built up environment such as that found around the appeal site, there is inevitably a degree of overlooking and mutual impact on privacy, and due to the current use of the site I do not consider the proposed use would materially or significantly alter that situation, particularly so due to the mitigating effects of existing screening in the form of natural features on the site along with any new planting to augment or reinforce existing screening.
35. In addition, existing structures and landscaping located to the rear of those properties along Marine Terrace, also currently restrict some views from the site into those properties, thereby safeguarding privacy and overlooking.
36. Pulling the threads of the above together, for the reasons given previously the proposed development would not be detrimental to the residential amenities of neighbouring properties by way of impact on privacy/overlooking, or the perception of such effects, and as a result would not be contrary to policy DM06 of the LDP which seeks, inter alia, to safeguard residential amenity.

Highway Safety

37. The Council's third refusal reason relates to highway safety which was also raised by a third party. The Council argue that the site is not served by a safe and suitable highway access given the constraints of Lewis Terrace in terms of its restricted width, lack of pedestrian refuge, lack of dedicated turning head and restrictions caused by on-street parking. The Council's view is echoed by some neighbours.
38. Undoubtedly the highway network serving the appeal site has a number of constraints such as its alignment and restricted width, nonetheless, as evidenced by the appellant's submitted Transport Assessment (TA) the anticipated level of traffic that would be generated by the proposal would be insignificant given there would be a maximum of 6 two-way trips on a weekday with only one vehicular movement during the typical morning/afternoon peak hours.
39. As detailed in the TA, there have been just two accidents within the last five years on the local highway network surrounding the site; this data indicates there is no significant highway safety issue along Lewis Terrace or for that matter the vast majority of roads in the locality. My site observations indicated that Lewis Terrace was lightly trafficked, as reflected in the TA, and to my mind bearing in mind the local safety record, it appears that pedestrians and vehicles along the route are safely interacting. I agree with the findings

of the TA that the limited increase in traffic likely to be generated by the proposed development is highly unlikely to exacerbate the existing safety record to warrant concern.

40. Clearly the street network serving the site does not meet modern highway design standards, however, due to their very nature they are likely to promote low vehicle speeds as there is expected to be an awareness amongst all road users of the shared nature of the space, which overall is likely to foster a greater awareness of highway safety issues.
41. In addition, and separate to all the above, the TA notes that the proposed development will result in current parking for 13 Marine Terrace to be relocated to the front of the property. The Council argue that parking for 13 Marine Terrace can already take place to the front of the property over which there is no control and as a result this justification is not considered to be a valid reason to off-set the traffic generated by the proposed development.
42. The proposal will result in parking for 13 Marine Terrace being displaced and that parking provision being most likely displaced to the front of the property where on street parking exists. During my site visit I noted that both Lewis Terrace and Marine Terrace where on-street parking is the norm had spare capacity, and whilst I appreciate this was only a snapshot on a given day and time, nonetheless it indicated such parking was available. However, in any event I consider any additional on-street parking resultant from the proposed development would be minimal and have little impact in terms of highway safety in the general locality.
43. Bearing in mind all the above, and the fact that other factors such as Lewis Terrace being a no through route serving a limited number of dwellings, and the fact that vehicles using the site would be able to exit it in a forward gear, I am satisfied, the proposed development would not be likely to pose detriment to highway safety. The proposed development would not therefore be contrary to policy DM06 of the LDP which seeks, inter alia, to safeguard highway safety.

Land Stability

44. The Council's fourth reason for refusal related to land stability, however in their statement of case they now consider that the matter can be addressed through the imposition of a pre-commencement condition should the appeal be allowed; a suggested condition has been detailed by the Council in their appeal documents. The Council have effectively withdrawn the reason for refusal. I note the issue of land stability has also been raised by a third party. I agree with the Council that issues relating to land stability could be adequately addressed via a suitably worded condition in the event the appeal is allowed.

Other Material Considerations

45. I note that the proposal would provide for an additional dwelling in New Quay, incorporate measures to enhance its sustainability such as the sedum/grass roof and it would also utilise brownfield land, result in the site being tidied up, and would be within walking distance of amenities/services. However, none of these benefits either individually or combined, nor any others such as a financial contribution related to affordable housing would outweigh the harm identified to heritage assets and the conflict with the Act, the development plan, and national planning policy/guidance which seek to safeguard such assets.

Other Matters

46. I note the appellant's concerns relating to the Council's handling of the planning application with regard to heritage matters, however that does not alter my assessment of the planning merits associated with the proposal.
47. In support of his stance, the appellant drew my attention to other development in the locality that had been permitted by the Council, however, I am not party to the full details that informed those decisions. In any event, each application must be considered on its own merits, and I have determined this appeal on the basis of the evidence presented.
48. The appellant in their appeal statement under the heading "scale" refers to the fact that Natural Resources Wales did not object to the proposal in terms of its siting in relation to the Cardigan Bay Special Area of Conservation (SAC), however, NRW's response is only in relation to the SAC's designation as it relates to ecological features; such features are not in dispute.

Overall Balancing and Conclusions

49. Whilst I have found in favour of the appellant in three of the four reasons for refusal, nonetheless I have found that the proposed development would not provide a suitable site for housing having regard to the detrimental impact on heritage assets and the character and appearance of the area. Any matters in favour of the proposal would not overcome or outweigh the significant detriment previously identified. Therefore, after taking account of all the evidence before me, and for the reasons given above, I conclude that the appeal should be dismissed.
50. In reaching my decision, I have taken account of 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 as required by section 8 of the Act.

Declan K Beggan

Inspector