



Appeal Decision

by M R Lowe BA(Hons) BTP MPA MRTPI

an Inspector appointed by the Welsh Ministers

Decision date: 08/10/2024

Appeal reference: CAS-03487-N0Q5D5

Site address: Gwelfryn, Penparcau Road, Penparcau, Aberystwyth SY23 1RU

- 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 Andrew Holt against the decision of Ceredigion County Council.
 - The application Ref A230837, dated 23 November 2023, was refused by notice dated 22 February 2024.
 - The proposed development is described as new first floor extension over existing single storey extension. To include new bathroom and bedroom.
 - A site visit was made on 3 September 2024.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposed development on (i) the character and appearance of the area; (ii) the living conditions of the occupants of Bryngele, with particular regard to outlook and the occupants of Ellesmere and Olhen with particular regard to privacy; and (iii) biodiversity interests.

Reasons

Character and Appearance

3. The appeal property is a two storey semi-detached house with pale rendered walls, a slate roof and a number of sash windows which provide it with an attractive, traditional appearance. It is located within a line of dwellings which front Penparcau Road and are served to the rear by access from Ty-cam.
4. Ty-cam is a narrow cul-de-sac which runs along the rear of the appeal property and is comprised of a relatively dense, irregular pattern of housing and garages. The houses are predominantly finished with painted render and traditional roofing materials of clay tile or slate. The proposed development would be viewed alongside the existing two storey

rear projection at the adjacent property Bryngele and the rear of the Penparcau Post Office building, both of which have painted rendered walls and pitched roofs.

5. The proposed extension would incorporate a monopitch roof arrangement. It would have a corrugated metal roof at a significant projection beyond the rear wall of the main house and would be finished with new brickwork cladding. These elements would result in an extension which bears little resemblance to, and contrasts with, the design and materials of the host property or its neighbours. This is evident in the awkward form of the varying rooflines which slope at different angles. When viewed from Ty-cam, the proposal's roof form and contrasting materials would stand out as incongruous and discordant features that fail to respect the more simple character of the street. This would result in significant visual harm.
6. The appeal proposal has been designed as an innovative piece of architecture to bring some visual interest to the property and the Council has stated that it does not wish to discourage modern design. In policy terms, criterion 1 of the Policy DM06 of the Ceredigion Local Development Plan 2007 – 2022 Adopted April 2013 (LDP) also seeks to promote innovative design, but subject to an important caveat. This is that such design should have regard to local distinctiveness and cultural heritage in terms of form, design and material. Criterion 8 of this policy further reinforces the need to ensure that where new materials are used, they are sympathetic to the character of the locality.
7. I note the examples of more contemporary materials and architecture within the wider area. However, as I have identified above there is a clearly defined visual context to this site and its views from Ty-cam which is not respected through the appeal proposal. None of the examples provided by the appellant precisely reflect either the nature of the proposal before me nor the harm that the appeal scheme would cause to its particular context. Furthermore, although the proposal would provide additional accommodation for the appellant's family, this is not the only means of achieving that aim and does not outweigh the harm I have identified.
8. The proposal would result in significant harm to the character and appearance of the area. It would thereby conflict with Policy DM06 of the LDP in that the scheme would fail to pay insufficient regard to local distinctiveness in terms of form, design and material.

Living Conditions

Bryngele

9. The proposed extension would extend in front of and close to a first floor side window serving the occupants of Bryngele. This window is small with a top opening fanlight and at my site visit I saw nets in the window restricting views into this room. The appellant has confirmed that this serves a WC. Without any conclusive evidence to the contrary and on the basis of the form and size of the window in question, it is reasonable to conclude that it does not serve a habitable room. As such, although it is clear that this room would have its outlook severely restricted by the length and height of the proposal, it would not affect the outlook available to Bryngele to an extent which would harm the living conditions of the occupants.

Ellesmere and Olhen

10. Ellesmere and Olhen properties are located directly behind the rear garden of the appeal property on Ty-cam. Both properties have habitable room windows that would face towards the first floor rear windows contained within the appeal scheme. The Council's Supplementary Planning Guidance – Built Environment and Design Adopted January 2015 (SPG) advises that in order to provide adequate amenity space and prevent

overlooking, a 21 metre gap should be provided between opposing windows of habitable rooms.

11. The appellant has produced an Overlooking Block Plan which demonstrates that there would be a minimum distance of approximately 11.6m between the closest opposing windows. Furthermore, I saw on my site visit other relatively close window separation distances, most notably from the rear projection of Bryngele, which in my experience is not unusual in such areas of tight urban grain.
12. The proposed first floor bedroom windows facing towards these existing properties would be relatively small and the front windows serving Ellesmere and Olhen would be at a slightly offset angle in relation to the proposed rear bedroom windows. As such I consider that at the distances and angles involved, there would be limited opportunities for overlooking from the proposed bedroom into these nearby dwellings.
13. The scheme would fail to meet the separation distance recommended within the SPG. However, this is guidance to support development plan policy and should be applied to the circumstances of each case and for the reasons above I find the impact acceptable within this particular context. I therefore conclude that the proposal would have an acceptable impact on the living conditions of the occupants of Bryngele, Ellesmere and Olhen and would thereby comply with criterion 7 of DM06 of the LDP which seeks to protect the amenity of occupiers of nearby properties from significant harm in relation to, amongst others, privacy and outlook. Although I have found that the scheme would fail to meet the separation distance contained within the SPG this would not result in any significant harm to nearby residential occupants.

Biodiversity

14. Planning Policy Wales (Edition 12 February 2024) (PPW) is clear that a Green Infrastructure (GI) statement should be submitted with all planning applications which is proportionate to the scale and nature of the development proposed and which describes how green infrastructure has been incorporated into the proposal (6.2.12). The appellant has provided an Ecological Impact Assessment: Bats and Birds December 2023 with the application which concluded that the proposal would not have an impact on roosting bats or nesting birds and has further supplemented this at appeal with a GI Statement which considers the PPW's step-wise approach in assessing the impact of the proposal on biodiversity and within this proposes to accompany the proposed development with a bat box and a bird nest box.
15. The Council's Ecologist sought an insect box in addition to a bat box and has not had the opportunity to comment on whether a bird nest box would represent an adequate replacement. However, there is a willingness on behalf of the appellant to provide proportionate GI measures and as such this matter could be satisfactorily dealt with through the imposition of a suitably worded condition were I to find the appeal acceptable in relation to all other matters. As such I find that the proposal would result in an acceptable effect on biodiversity and would comply with the relevant requirements of PPW and Policies DM06, DM14 and DM20 of the LDP which, amongst other objectives, seek to embrace opportunities to protect and enhance biodiversity and ecological connectivity across Ceredigion.

Planning Balance and Conclusion

16. Although I have found in favour of the scheme in relation to living conditions and biodiversity, the proposed development would result in significant harm in relation to character and appearance of the area which is a compelling factor that has led to my decision.

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17. For the above reasons and having had regard to all matters before me the appeal should be dismissed. 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 objective to make our cities, towns and villages even better places in which to live and work.

M R Lowe

INSPECTOR