

Penderfyniad ar yr Apêl

Ymweliad â safle a wnaed ar 05/02/14

gan **Melissa Hall BA(Hons) BTP MSc
MRTPI**

Arolygydd a benodir gan **Weinidogion Cymru**

Dyddiad: **28/02/14**

Appeal Decision

Site visit made on 05/02/14

by **Melissa Hall BA(Hons) BTP MSc
MRTPI**

an Inspector appointed by the Welsh Ministers

Date: **28/02/14**

Appeal Ref: APP/L6940/A/13/2208995

Site address: York Drive, Llantwit Fardre, Church Village CF38 2NR

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 Rhondda Housing Association against the decision of Rhondda Cynon Taf County Borough Council.
- The application Ref 13/0310/10, dated 27 March 2013, was refused by notice dated 11 November 2013.
- The development proposed is described as 8no flats and associated works.

Decision

1. The appeal is allowed and planning permission is granted for 8no flats and associated works at York Drive, Llantwit Fardre, Church Village CF38 2NR in accordance with the terms of the application, Ref 13/0310/10, dated 27 March 2013, and the amended plans dated 17 July 2013, subject to the conditions set out in the schedule attached as Annex A.

Procedural Matters

2. The planning application form describes the development as 8no flats and associated works. The Council subsequently amended the description of development to make reference to the receipt of amended plans on 17 July 2013. Although I have used the appellant's original description of development, I have determined the appeal on the basis of the amended plans on which the Council considered the application.
3. I note that two different sets of proposed elevations have been submitted. Drawing ref BBA 581.P.03 shows a predominantly half brick half render finish to the external walls and oriel windows to the ground floor front elevations. Drawing ref BBA 581.F.01 shows elevations with a predominantly rendered finish and, what appears to be, ground floor front bay windows although this detail does not correspond with the side elevations or the proposed site layout on the same drawing. However, the appellant's design and access statement and the subsequent appeal statement refer to the finish in brick to the lower level and render to the upper level as shown on drawing ref BBA 581.P.03. I have therefore determined the application on this basis.

Main Issues

4. These are the effect of the development on the character and appearance of the surrounding area and on highway safety.

Reasons

Character and appearance

5. The surrounding area is characterised predominantly by residential development, albeit there is a small row of shops directly adjacent to the appeal site with residential uses at first floor. The existing dwellings in York Drive and Queens Drive are, for the most part, single or two storey, semi-detached properties of modern design and simple form. The external wall finishes are a mix of spa dash, render and brick and the roofs are mainly covered in concrete tiles.
6. Although the proposed development comprises of flats rather than dwelling houses, its design, scale and massing takes the form of three, two storey link houses when seen from the York Drive elevation and a further single dwelling from the Queens Drive street scene. These elements would be linked via an elevated section recessed from the principal elevations. As with the existing dwellings in the vicinity, the development would have active frontages onto the street with the pattern of fenestration on the prominent elevations respecting that of the surrounding built form. The external finishes would match that of the existing dwellings, consisting of rendered and facing brickwork walls and concrete roof tiles. I note the petition of objection and the assertion that there are no other houses of multiple-occupancy in the area. However, for the above reasons, the development would not depart significantly from the appearance of the two storey dwellings in the vicinity of the site. In this context, I do not consider that its design, scale or massing would be at odds with the character and appearance of the surrounding area.
7. Furthermore, the density of the development would be appropriate. Although I accept that it would be of a higher density than its immediate neighbours by virtue of the proposal comprising of flats, its design, scale and form would ensure that it would not appear cramped. The site would contain sufficient amenity space, cycle and waste storage facilities, a drying area and off-street parking for its future occupants. I therefore consider that this proposal would represent an efficient use of land and would not result in the overdevelopment of the site to the detriment of the amenity of the occupants of surrounding properties.
8. For these reasons, I do not consider that the proposed development would conflict with the objectives of Policies AW 5 and AW 6 of the adopted Rhondda Cynon Taf Local Development Plan 2011 (LDP) in this regard.

Highway safety

9. The majority of the dwellings in the vicinity of the site have driveways accommodating off-street car parking, albeit I also observed a moderate demand for on-street parking outside the curtilages of these properties at my site visit. A lay-bay at the front of the appeal site and the row of shops on York Drive provides a further parking area for vehicles.
10. A total of 8no off-street parking spaces are proposed. This would be 10no spaces fewer than the maximum provision of car parking spaces for residents and visitors suggested in the Council's adopted Supplementary Planning Guidance *Delivering*

Design and Placemaking (SPG). However, the SPG also recognises that a more flexible approach to numbers of parking spaces may be taken.

11. The appellant's evidence includes a UK Government study carried out in 2007 and the Rhondda Cynon Taf Housing Needs Assessment Report 2006 which clearly identifies that the car ownership level in social rented housing schemes is lower than that of private housing. I have had regard to the advice in Planning Policy Wales that new developments should provide lower levels of parking than have generally been achieved in the past. The site is also well located for public transport links and local facilities, thereby limiting the need for travel and offering alternative means of transport to the private car.
12. I have taken into account the concerns of the Council and other parties in respect of the high demand for on-street parking. Nevertheless, based on the evidence before me, I am satisfied that the proposed number of spaces would be appropriate and would be likely to meet the parking needs of the occupants of the development. I further consider that the amount of on-street parking required by visitors to the occupants of the development would not be significant in the context of the amount of on-street parking available within the vicinity of the site and the limited number of flats proposed. It is therefore unlikely that the proposed development would lead to unacceptable pressure on the number of available on-street parking spaces. For these reasons, I do not find conflict with LDP Policy AW 5 which requires car parking to be provided in accordance with the SPG, which allows for a more flexible approach to numbers where clear evidence is supplied that car ownership levels will be lower than normal.

Other Matters

13. The concerns of other parties also relate to matters of residential amenity, the loss of a retail unit, anti-social behaviour and crime, restrictive covenants, the effect on property values and to other highway safety issues. I acknowledge that the Council has not taken issue with any of these matters. In respect of highway safety and residential amenity, I have no substantive evidence before me to lead me to any conclusion other than that of the Council. Turning to matters of crime and anti-social behaviour, I have not been given any compelling reason to find that the proposed development would increase the likelihood or instances of these problems occurring. Although the loss of a retail unit may be regretful, I note that the unit is currently vacant and in rather a poor condition. In any event, there is no national or local planning policy before me which seeks to protect retailing at this particular location.
14. Whether or not a restrictive covenant exists is primarily a private matter between individual parties and carries little weight as a planning consideration in my determination of this appeal. In respect of the effect on property values, the issue is not whether owners of individual properties would experience individual financial loss as a result of this development, but whether the proposal would, in this case, unacceptably affect the character and appearance of the area or highway safety which ought to be protected in the public interest. These matters have not therefore been decisive or led me to any different overall conclusion.

Conditions

15. A number of conditions have been suggested by the Council, Dwr Cymru Welsh Water and the appellant, which I have considered in accordance with the advice contained in Welsh Office Circular 35/95: *The Use of Conditions in Planning Permissions*. Other

than the standard time limit, I have attached conditions relating to the need to achieve Level 3 of the Code for Sustainable Homes in accordance with national planning policy requirements. In the interest of clarity, I shall attach a condition restricting the permission so that it does not extend to the inaccurate elevations shown on drawing ref BBA 581.F.01 and makes reference to the amended site layout plan shown on drawing BBA 581.P.02A. A condition should also be imposed to ensure that the stated intent of all the units being affordable will be realised, and that they shall remain affordable. Restriction on the times that construction and HGV deliveries can take place will be secured by conditions to minimise disturbance to residents during the construction period. Details of boundary treatments and samples of external finishes are required to ensure a satisfactory appearance. In the interest of highway safety, conditions are attached relating to access and parking together with a requirement to provide details of traffic management and wheel washing facilities during construction, albeit the wording has been amended from that suggested by the Council in order to meet the tests set out in the Circular. The conditions regarding the disposal of foul and surface water are necessary to ensure the satisfactory drainage of the site.

Conclusion

16. For the reasons outlined above, and having regard to all matters raised, I conclude that the appeal should be allowed.

Melissa Hall

INSPECTOR

ANNEX A

Appeal APP/ L6940/A/13/2208995: Schedule of conditions subject to which planning permission is granted.

- 1) The development hereby permitted shall begin not later than five years from the date of this decision.
- 2) The permission hereby granted is for the plans and elevations shown on drawing ref BBA 581.P.03 and the amended site layout plan shown on drawing ref BBA 581.P.02A. Permission is not granted by this decision for the alternative plans and elevations included on the submitted application drawing ref. BBA 581.F.01.
- 3) The development shall not begin until a scheme for the provision of affordable housing as part of the development has been submitted to and approved in writing by the local planning authority. The affordable housing shall be provided in accordance with the approved scheme and shall meet the definition of affordable housing in paragraphs 5.1 and 5.2 of Technical Advice Note (TAN) 2: Planning and Affordable Housing (June 2006) or any future guidance that replaces it. The scheme shall include:
 - the numbers, type, tenure and location on the site of the affordable housing provision to be made which shall consist of not less than 100% of the proposed housing units/bed spaces;
 - the arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and
 - the occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.
- 4) Construction work shall not take place other than during the following times:
 - Monday to Friday 08:00 to 18:00 hours
 - Saturday 08:00 to 13:00 hours
 - Not at any time on Sundays, Bank or Public Holidays.
- 5) No development shall take place until samples of the materials to be used in the construction of the external surfaces of the buildings hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
- 6) No development shall take place until a plan indicating the positions, design, materials and type of boundary treatment to be erected has been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details and the boundary treatments shall be completed prior to occupation of the development hereby approved.
- 7) No development shall take place until details of foul and surface water drainage have been submitted to and approved in writing by the local planning authority. Surface water run off from the proposed development shall not discharge onto the public highway or connect to any highway drainage system. The scheme shall be implemented in accordance with the approved details prior to the occupation of the development.

- 8) Each dwelling unit hereby permitted shall be constructed to achieve a minimum Code for Sustainable Homes Level 3 and achieve a minimum of 1 credit under category 'Ene 1 – Dwelling Emission Rate' in accordance with the requirements of Version 3 of the Code for Sustainable Homes. The development shall be carried out entirely in accordance with the approved assessment and certification.
- 9) Construction of any dwelling unit shall not begin until an 'Interim Certificate' has been submitted to the local planning authority, certifying that a minimum Code for Sustainable Homes Level 3 and a minimum of 1 credit under category 'Ene 1 – Dwelling Emission Rate', has been achieved for that individual dwelling or house type in accordance with the requirements of Version 3 of the Code for Sustainable Homes.
- 10) Prior to the occupation of the dwelling units hereby permitted, a Code for Sustainable Homes 'Final Certificate' shall be submitted to and approved in writing by the local planning authority certifying that a minimum Code for Sustainable Homes Level 3 and a minimum of 1 credit under category 'Ene 1 – Dwelling Emission Rate', has been achieved for that individual dwelling in accordance with the requirements of Version 3 of the Code for Sustainable Homes.
- 11) Notwithstanding the submitted detail, development shall not commence until full engineering design and details of the proposed means of access including the realignment of the kerb line, widening of the adjoining footways and details of the vision splays have been submitted to and approved in writing by the local planning authority. The development shall not be occupied until the access has been constructed in accordance with the approved details.
- 12) The vision splays shall be retained and remain free from obstruction as shown on drawing Ref Figure 2.5.
- 13) Prior to occupation of the development, the parking area shall be laid out in accordance with drawing Ref Figure 2.5, constructed in permanent materials and retained for the purposes of parking only.
- 14) No development shall take place until details of traffic management including lorry sheeting details and wheel washing facilities are submitted to and approved in writing by the local planning authority. The approved details shall be implemented and maintained throughout the construction period.
- 15) All HGV deliveries to and from the site during the construction period shall take place only between the hours of 09:00 and 16:30 Mondays to Fridays.