



Penderfyniad ar yr Apêl

Ymweliad â safle a wnaed ar 25/09/18

gan Paul Selby BEng (Hons) MSc
MRTPI

Arolygydd a benodir gan Weinidogion Cymru

Dyddiad: 11/10/18

Appeal Decision

Site visit made on 25/09/18

by Paul Selby BEng (Hons) MSc MRTPI

an Inspector appointed by the Welsh Ministers

Date: 11/10/18

Appeal Ref: APP/V6945/D/18/3211144

Site address: 2 Forest View, Henllys, Cwmbran NP44 6ED

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 Tim Drake against the decision of Torfaen County Borough Council.
 - The application Ref 18/P/0211/HH, dated 30 October 2017, was refused by notice dated 26 June 2018.
 - The development is Raising the ridgeline and constructing a rear dormer roof extension.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. As the development has been largely completed the application seeks retrospective planning permission.

Main Issues

3. The main issues are the effect of the development on: a) the character and appearance of the area; and b) the living conditions of neighbouring occupants with particular regard to overbearing impacts.

Reasons

4. The appeal relates to a detached dwelling situated within a modern residential development in Henllys. Reflecting the prevailing topography of the area, the site slopes down towards the rear, beyond which lies an area of public open space.

Character and appearance

5. Forest View and the adjoining street of Dorallt Way feature houses of varying designs, forms and finishes. Many have also been extended in different ways. Nonetheless, there is a consistency of scale and form locally. Most dwellings in the immediate vicinity are two storeys in height and many feature pitched roofs with modest gables. Dwellings are framed by front and rear gardens and interspersed with areas of public open space. These factors afford the immediate area a pleasant, spacious character.
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6. Whilst the appeal development has raised the ridge height of the roof, the angle of the front roof slope remains unchanged. Consistent ridge heights are not a particular feature of Forest View and the raised ridge is consequently not harmful when viewed from the front.
7. Notwithstanding this, the raised ridge is apparent at the property's side elevations in views from both Forest View and Dorallt Way. In such views, the substantial bulk of the rear dormer is also clearly visible. Whilst glimpsed between neighbouring properties, the intersection of the roof pitches and rear dormer at the property's side elevations are awkward and cumbersome features which draw the eye.
8. It is, however, proposed to raise the gable end and amend the pitch of the rear roof so that both planes intersect at the ridge. Whilst this would represent a visual improvement, the resulting asymmetric roof form would appear clumsy and discordant. It would be clearly perceptible from the public realm, particularly from the entrance to Forest View, from where the upper part of the appeal property's side elevation is a notable feature of the street scene. In combination with the substantial bulk of the rear dormer and considerable depth of the front roof plane, the proposed modifications to the gable end would harmfully interrupt the prevailing roofscape, causing visual harm to the immediate area. Recladding the dormer in tiles to match the existing roof would do little to mitigate the bulky and uneven roof form.
9. The rear dormer is also a notable feature of the property in views from the public open space to the rear. In occupying the majority of the rear roof plane the dormer affords the property the appearance of a 3 storey flat roofed structure rather than a modest residential dwelling. Its substantial bulk is further amplified by the change in levels between the appeal site and public open space. Irrespective of the proposed modifications, including the proposed tile cladding, the dormer's significant height and width harmfully alters the appearance of the rear of the property and conflicts with the prevailing form of nearby dwellings.
10. A certificate of lawful development dating from 2017 relating to the rear dormer represents a fall-back position. The appellant has drawn my attention to a Court judgment¹ which emphasises the need to gauge the likelihood of a fall-back development being brought forward in the event of permission being refused. In this case it seems that the provision of loft living space is contingent on raising the second floor level and, with it, the roof ridge. It is therefore not evident that the rear dormer in its permitted form could be used as originally intended when the certificate of lawful development was issued. That is not to say, however, that it is entirely unusable and given that the dormer is already largely in place I consider there is a strong likelihood that it would remain, albeit with a reduced scale and ridge height. Thus I attach significant weight to the fall-back position as indicated in the drawings attached to the certificate of lawful development.
11. The primary differences between the permitted scheme and appeal development relate to the amended roof form and increased height of the dormer. Whilst the difference in ridge height would be only around 70cm, in my view this would perceptibly increase the mass of the dormer when viewed from the side and rear. The additional height of the dormer has allowed the installation of several taller windows which further emphasises its height and bulk. Further, unlike the permitted dormer, the appeal scheme would result in asymmetrical roof pitches. The visual effects of the

¹ *Mansell v Tonbridge and Malling BC*; Court of Appeal [2017] EWCA Civ 1314

appeal development would thus differ materially from the fall-back position. These differences would cause unacceptable visual harm.

12. My attention has been drawn to a dormer of similar scale on Greenwood Drive, which I saw on my site visit. Whilst I accept that there are some similarities between the two the presence of this other dormer does not mitigate the harm caused by the appeal development to the immediate area. Moreover, unlike the appeal scheme the dormer on Greenwood Drive does not appear to have altered the ridge height or rear roof pitch of the property. I attach little weight to the presence of this other dormer.
13. For the reasons given above I conclude that the appeal development would cause visual harm, thereby conflicting with the design objectives of policies S4 and BW1 of the Torfaen Local Development Plan (LDP).

Living conditions

14. Whilst it is unlikely that the rear dormer would be visible from within neighbouring dwellings, it would be readily experienced from within the rear garden areas of Nos 1 and 3. The relatively low level of the neighbouring gardens would further intensify the apparent height and scale of the dormer. Nonetheless, the nature and extent of any overbearing impacts would be similar to a dormer built under permitted development rights. Moreover, alternative, predominantly open aspects are available from the neighbouring gardens across the public open space to the rear. The appeal scheme would therefore not prevent the reasonable enjoyment of neighbouring garden areas.
15. The Council contends that the impacts of the appeal scheme on the privacy of neighbouring residents would be similar to the permitted development. I have no reason to come to a different view. For the given reasons I conclude that the appeal development would accord with the amenity objectives of LDP policy BW1.

Other Matters

16. I acknowledge the supportive comments from a local Councillor. I also recognise that the appeal development has come about due to the presence of steel cross-beams necessitating a higher floor level, found during construction. These matters do not, however, outweigh the harm which I have identified.
17. 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 of supporting safe, cohesive and resilient communities.

Conclusion

18. I have found that the appeal scheme would not harm the living conditions of neighbouring occupants. Nonetheless, that does not outweigh the identified harm to the character and appearance of the area. For the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

Paul Selby

INSPECTOR