



## Appeal Decision

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by Richard James Bsc (Hons) Msc MRTPI

an Inspector appointed by the Welsh Ministers

Decision date: 07.08.2023

Appeal reference: CAS-02575-F0P4H0

Site address: 45 Burrows Road, Skewen, SA10 6AE

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- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
  - The appeal is made by D. Shepherd against the decision of Neath Port Talbot County Borough Council.
  - The application Ref P2022/0866, dated 13 October 2022, was refused by notice dated 7 December 2022.
  - The development proposed is Outline application for a 2 bed dwelling with associated garden and off road parking and new vehicular access.
  - A site visit was made on 4 July 2023.
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### Decision

1. The appeal is dismissed.

### Procedural Matter

2. The planning application is made in outline, with the matter of access for consideration. Appearance, landscaping, layout and scale are reserved for future consideration. The submitted plans include information with respect to the reserved matters, which I have treated as indicative for the purposes of my consideration. I have also had regard to the submitted scale parameters and the approximate siting of the dwelling which have informed my decision.

### Main Issues

3. These are the effect of the proposal upon:
  - the character and appearance of the area;
  - highway safety; and
  - the living conditions of nearby residents.

### Reasons

4. The appeal site comprises the rear garden area of Nos. 45 and 45a, a pair of residential flats located within an end of terrace, two storey property, fronting onto Burrows Road. The site returns alongside Bosworth Road, from which a vehicle access leads into a rear parking area. Burrows Road is characterised by properties with long, narrow rear gardens, some of which have garages or vehicular access and off street parking to their rear. Properties fronting onto Bosworth Road comprise mainly two storey semi-detached and detached dwellings, which are set back from the highway on both sides and maintain

a consistent building line. Nos. 17-20 Bosworth Road, opposite the site, also have long and narrow rear garden areas.

5. The proposal seeks outline planning permission for a single 2 bed detached dwelling with a new vehicular access off Bosworth Road. The indicative plans display a one and a half storey detached dwelling sited at the southeastern end of the site and fronting onto Bosworth Road.

#### *Character and appearance*

6. As illustrated, the restricted width of the site would likely necessitate the siting of a dwelling in front of Bosworth Road's established building line projecting out, up to the street corner as a result. Any alternative to set the dwelling back would result in an overly narrow form of development that would fail to effectively harmonise with the existing size, proportions and form of nearby dwellings. The proposed scale parameters are also consistent with a single storey or dormer style development, which would be at odds with the regular pattern of two storey development along Bosworth Road. Having regard to the scale of the proposed dwelling and its proximity to its front and rear boundaries, it would also appear cramped within the narrow site and visually intrusive in the context of the openness of the long narrow garden areas serving the neighbouring properties, and its prominent corner siting. Whilst some neighbouring garages are located along their rear boundaries, these are of materially different form and character, with a clear subordinate and ancillary function to their respective dwellings. Taking account of the site's context and the narrowness of the plot, the siting and form of the proposed dwelling would deviate from the established development pattern and would appear as a visually incongruous addition, harming the wider street scene character.
7. For the reasons outlined above, the proposal would cause harm to the character and appearance of the area, contrary to LDP Policies SP21, BE1 and Supplementary planning guidance 'Design', which amongst other matters seek to ensure high quality design.

#### *Highway safety*

8. The busy nature of Bosworth Road and its multiple access points that are close to the site amplifies the requirement for the proposal to demonstrate a safe vehicular access and exit. The local representations, which highlight traffic congestion and highway safety as a concern in the area, add weight to my consideration in this respect.
9. The proposal is capable of providing off street parking in accordance with the Council's requirements. However, I saw that the existing boundary wall, at its current height, would obstruct visibility from the proposed access. Visibility would be further impeded by the 2m height of the proposed dividing boundary fence. In particular the available visibility splays fall well below the standards set out in Manual for Streets and the Council's own guidance on the Layout of Development Roads. As a consequence, drivers emerging from the access would have little warning of pedestrians on the footway or vehicles on the highway. Access is not a reserved matter and no evidence is provided to demonstrate how adequate visibility would be achieved on site.
10. In the above circumstances I am unable to conclude that the proposal would provide a safe access to the proposed development. I therefore conclude that the proposal would be harmful to highway safety and contrary to LDP Policies BE1, SP20 and TR2 which amongst other things seek to ensure development provides safe access and does not compromise the safe use of the highway network.

#### *Living conditions*

11. By virtue of the limited width of the appeal site, any proposed dwelling would likely run along, or in very close proximity, to the common garden boundary with No. 43 Burrows Road. In this case the plans indicate that the proposed first floor living space with north facing openings would overlook the rear garden areas of Nos. 45, 45a, 43 and 41 Burrows Road. However, appearance is reserved for future consideration and the potential for overlooking, either actual or perceived is capable of being designed out. I am also satisfied that, with respect to the existing rear doors and windows of the Burrows Road properties, by virtue of the significant distance of the appeal site from these openings, an appropriately designed scheme would not cause an unacceptable loss of privacy to these respective occupants.
12. Nos. 43 and 41's long garden areas, and gently sloping levels affords them with an open outlook in multiple directions. As such, whilst affecting a proportion of views to the south, the proposal would not cause an unacceptable loss of outlook to these occupants. An appropriately scaled dwelling would also cause no unacceptable loss of sunlight or daylight to neighbouring gardens, by virtue of their significant length and position relative to the sun's direction of travel.
13. I note the existing side windows and the rear garden area to No. 20 Bosworth Road (No. 20) that face the site. However, this is not a principal elevation, and the lane also provides a degree of separation from the proposal. An appropriately designed and scaled dwelling that avoids any directly opposing windows, would retain sufficient light, privacy and outlook for occupants of No. 20.
14. With respect to the impact of the proposed on site parking, the boundary with No 43 benefits from screening and the small scale domestic nature of the proposal would not materially increase traffic noise especially in the context of background traffic on Bosworth Road. Similarly, the proposal includes a 2m high dividing fence with the host properties and given that vehicles accessing the parking area would do so on an infrequent basis, any additional disturbance for nearby residents would be minor. Whilst the amenity space for the host dwellings would be shortened by the proposal, it would retain a suitable size, that would provide a useable outdoor space for its occupants, for the drying of washing, outdoor seating and storage of items such as cycles or refuse bins.
15. Accordingly, I am satisfied that the submission of the reserved matters would ensure that the proposal would not cause harm to the living conditions of neighbouring occupants. The proposal would therefore comply with LDP Policy BE1 and the Design SPG insofar as they seek to ensure no significant adverse impact on the amenity of occupiers of adjacent land or the community.

### **Other Matters**

16. I acknowledge that the proposal would be within the settlement limits of the LDP, nonetheless, it does not follow that all development will be acceptable in such locations, as I have found in this case. I have also had regard to all the representations raised in objection to the scheme, including concerns relating to pollution, water pressure, flooding and construction impacts amongst other matters. However, there is no substantive evidence to indicate that the proposal would also be unacceptable for any of these reasons. Matters relating to common boundaries, including their ongoing maintenance, are civil matters, to which I have placed limited weight.

### **Conclusion**

17. I have found that the proposal would not be harmful to the living conditions of neighbouring occupants. However, the harm to the character and appearance of the area

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and highway safety would be significant and are overriding considerations. For the reasons given above and having regard to all other matters raised, I conclude that the appeal should be dismissed.

18. 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 one or more of the Welsh Ministers' well-being objectives.

*Richard James*

INSPECTOR