

REPORT OF THE DEVELOPMENT MANAGEMENT TEAM LEADER ON APPEALS

The following appeals have been lodged with the Authority and the current position of each is as follows:-

NP/20/0263/CLP Use as a caravan site for occupation as a persons sole or main place of residence – Park Farm Holiday Park, Manorbier
Type Written Representations
Current Position The initial paperwork has been sent to the Inspectorate

NP/20/0279/FUL Development of Apple Tree Gallery and Penydre/Apple Tree Gallery parking bay. New doorway. Additional windows/roof lights. Partial change of use to residential – Apple Tree Gallery, Saundersfoot
Type Written Representations
Current Position The appeal has been allowed & costs awarded and copies of the Inspectors decisions are attached for information

NP/20/0230/FUL A One Planet Development consisting of Cabin (caravan) (104.4 m2), Greenhouse (65 m2 in total), Compost toilet (9 m2), Barn (89.2 m2) with lean-to Goose House (19.4 m2) & PV array (69 m2) – Maes Gwenyn, Cilgwyn, Newport
Type Hearing
Current Position The initial paperwork has been sent to the Inspectorate.

NP/20/0435/FUL Demolition of existing garage & redevelopment as double garage with new dwelling over. Rear & side extensions and various alterations to Cottage – Hill Cottage, Little Haven
Type Written Representations
Current Position The appeal has been dismissed and a copy of the Inspectors decision is attached for information.

Penderfyniad ar yr Apêl

Ymweliad safle a wnaed ar 22/06/21

gan Hywel Wyn Jones, BA (Hons) BTP
MRTPI

Arolygydd a benodir gan Weinidogion Cymru

Dyddiad: 23/7/21

Appeal Decision

Site visit made on 22/06/21

by Hywel Wyn Jones, BA (Hons) BTP
MRTPI

an Inspector appointed by the Welsh Ministers

Date: 23/7/21

Appeal Ref: APP/L9503/A/21/3269848

**Site address: Apple Tree Gallery, Penydre, The Ridgeway, Saundersfoot,
Pembrokeshire, SA69 9JE**

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 David and Mrs Yvonne Mannings against the decision of the Pembrokeshire Coast National Park Authority.
 - The application Ref: NP/20/0279/FUL dated 27 May 2020, was refused by notice dated 2 September 2021.
 - The development proposed is the development of Apple Tree Gallery, Penydre/Apple Tree Gallery parking bay, new doorway, additional windows and roof lights and partial change of use to residential.
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Decision

1. The appeal is allowed and planning permission is granted for the development of Apple Tree Gallery, Penydre/Apple Tree Gallery parking bay, new doorway, additional windows and roof lights and partial change of use to residential at Apple Tree Gallery, Penydre, The Ridgeway, Saundersfoot, Pembrokeshire, SA69 9JE in accordance with the terms of the application, Ref: NP/20/0279/FUL dated 27 May 2020, subject to the conditions set out in the attached Schedule.

Application for costs

2. An application for costs was made by Mr David and Mrs Yvonne Mannings against the Pembrokeshire Coast National Park Authority. This application is the subject of a separate Decision.

Preliminary and Procedural Matters

3. An earlier application for a similar proposal was dismissed on appeal in May 2020¹ on the basis of a lack of information relating to the proposed works to a garden wall and a proposed extension. The Inspector found that he was unable to determine whether the works would preserve or enhance the character or appearance of Saundersfoot Conservation Area or the setting of Penydre, a listed building.

¹ APP/L9503/A/20/3244731

4. Most of the works proposed had already been undertaken by the time of my visit. I have therefore dealt with the appeal as one that seeks in part retrospective permission.
5. To supplement the rudimentary drawings, the appellant has provided additional information with the current scheme. It has also amended aspects of the scheme, in particular the wall of the extension is of matching stonework rather than the Canadian Cedar previously proposed and it is proposed to provide a gateway in the new enclosing wall separating the Gallery from Penydre to replicate the pre-existing feature.
6. Provided conditions are imposed to require the submission and approval of certain detailed aspects of the work, the Authority raises no concerns in relation to the effect of the scheme on the Conservation Area or the listed building. In June 2020 it granted listed building consent to demolish and rebuild the stone wall to enlarge the parking bay². In February 2021 the Authority approved an application for retrospective permission for the doorway and for proposed skylights on the western elevation.
7. As has been noted by neighbouring residents in objection, not only do the drawings lack detail but in some respects they are inaccurate. Where they depart from that which has already been built, I have based my assessment on the in-situ works as that is clearly the appellant's intention. Thus, the failure of the plans to accurately depict the existing appearance of the building or the subject works does not undermine the adequacy of the information available to me to assess the effect of the appeal scheme on its environs. The boundary wall and the street facing wall of the extension have been finished in stonework that is in keeping with the finish of the host building. The form and materials of the openings of the extension are also in keeping. Thus, mindful of my statutory duties³, I concur with the Authority that no harm would arise to the designated heritage assets from the development.
8. The appellants' allegations regarding the conduct of the National Park Authority and others, and the objector allegations aimed at the appellant, are not matters for me. I have confined my consideration to the planning merits of the proposed development.

Main Issue

9. The Authority cites an adverse effect of the proposed doorway on highway safety as one of its reasons for refusal. It has subsequently granted permission for the doorway and is not maintaining this objection. I note the strongly held concerns of local residents in this regard, but I agree with the Authority that the doorway is acceptable. Thus, there is one main issue in this case, that is the effect of the proposed development on the living conditions of neighbouring residents, specifically in relation to any overlooking.

Reasons

10. As is acknowledged in a letter of objection on behalf of local residents, the pre-existing first-floor windows of the building that face east towards Penydre allow some overlooking of the rear facing rooms and back gardens of neighbouring properties. Measures undertaken by neighbours to screen such overlooking have been described. The potential for such overlooking could arise from the established use of the building

² Ref: NP/20/0467/FUL

³ Sections 66(1) and 72(1) of the Listed Building and Conservation Areas Act 1990

as an art gallery or other similar uses in much the same way as from the residential use now proposed.

11. In his final comments the appellant explains that he no longer proposes to install the eastern facing roof lights. However, I must base my assessment on the scheme considered by the Authority. As shown on the appellant's cross-sectional drawing accompanying the appeal, and I observed during my visit, the arrangement of the roof structure means that the lowest point of the proposed roof lights would be elevated well above floor level. As a consequence, there would be no practical opportunity for occupiers of the building to look down on to the private amenity space of the neighbouring properties from these openings. Their introduction would not materially affect the level of privacy currently experienced by the neighbours. Therefore, the scheme would not harm the living conditions of any neighbouring residents. As it would not have an unacceptable adverse effect on amenity it accords with policy 30 of the Local Development Plan 2, adopted in September 2020.

Other matters

12. The appellant has confirmed an intention that the residential use would be ancillary to that of Penydre. As the previous Inspector pointed out the limited accommodation provided in the appeal building and the absence of a dedicated outdoor amenity area means that it would be unlikely to provide acceptable living conditions for a separate dwelling. The building has convenient pedestrian access to the rear garden of Penydre and an ancillary use of the building is consistent with the historic relationship of the building to the house when it was used as a stable block. I am also mindful of the contribution towards affordable housing that would arise under provisions of the LDP if the scheme were for a separate residential unit. In the circumstances I consider a condition limiting the residential use is both reasonable and necessary.
13. I have taken account of all the other concerns raised by local residents. Private interest concerns over the rights of the appellant over the lane are not material to my consideration. Noting that specialist consultees raise no objection to the scheme and the potential to mitigate effects through the imposition of the suggested planning conditions or through separate legislative controls, I am satisfied that none of the other concerns raised, insofar as they are material to the planning merits of the scheme, justify withholding permission.

Conditions

14. I have considered the Authority's suggested conditions in the light of WG Circular 016/2014, The Use of Planning Conditions for Development Management. As most of the works have already been undertaken and given that details of the proposed roof lights are sought by another condition, it is not necessary to control the commencement of the work or refer to the submitted plans. For the same reason conditions requiring details of the openings and materials of the extension are not required. Conditions withdrawing permitted development rights should only be imposed in exceptional circumstances. As no such circumstances have been demonstrated in this case, I shall not impose such a condition. The highway authority can exercise its own control over any ramps or steps within the highway. The handling of bats is adequately addressed by other legislation governing protected species. I have amended the wording of some conditions and reasons in the interests of precision.

Conclusion

15. For the reasons set out above I find the scheme acceptable in relation to the main issue and the other matters raised in objection. I shall therefore allow the appeal and impose the conditions set out in the attached schedule.
16. 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 making towns better places to live and work.

Hywel Wyn Jones

INSPECTOR

Schedule of Conditions

- 1) The building known as Apple Tree Gallery shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as Penydre and as a gallery.

Reason: In the interests of the living conditions of occupiers of the building and to accord with Policy 30 of the Local Development Plan 2.

- 2) The proposed roof lights shall be of a type and fitted in accordance with details submitted to and approved in writing by the Local Planning Authority prior to installation.

Reason: To preserve the character and appearance of the area and to accord with Policy 30 of the Local Development Plan 2.

- 3) The proposed window in the wall of the western elevation shall match the existing windows installed in this elevation.

Reason: To preserve the character and appearance of the area and to accord with Policy 30 of the Local Development Plan 2.

- 4) All doors and windows that adjoin the public highway, shall open inwards away from the road.

Reason: In the interests of highway safety and the amenity of the area, and to accord with Policy 60 of the Local Development Plan 2.

- 5) The whole vehicular access shall be left open unimpeded by gates or any other barriers.

Reason: In the interest of highway safety and to accord with Policy 60 of the Local Development Plan 2.

- 6) No surface water from any increase in the roof area of the building or impermeable surfaces within its curtilage shall be allowed to drain directly or indirectly to the public sewerage system.

Reason: To prevent hydraulic overloading of the public sewerage system, to protect health and safety of existing residents and ensure no pollution of or detriment to the environment, in accordance with policy 32 of the Local Development Plan 2.



Penderfyniad ar gostau

Ymweliad safle a wnaed ar 22/06/21

gan Hywel Wyn Jones, BA (Hons) BTP
MRTPI

Arolygydd a benodir gan Weinidogion Cymru

Dyddiad: 23/7/21

Costs Decision

Site visit made on 22/06/21

by Hywel Wyn Jones, BA (Hons) BTP
MRTPI

an Inspector appointed by the Welsh Ministers

Date: 23/7/21

Costs application in relation to Appeal Ref: APP/L9503/A/21/3269848

**Site address: Apple Tree Gallery, Penydre, The Ridgeway, Saundersfoot,
Pembrokeshire, SA69 9JE**

The Welsh Ministers have transferred the authority to decide this application for costs to me as the appointed Inspector.

- The application is made under the Town and Country Planning Act 1990, sections 78, 322C and Schedule 6.
 - The application is made by Mr David and Mrs Yvonne Mannings for a full award of costs against Pembrokeshire Coast National Park Authority.
 - The appeal was against the refusal of planning permission for development of Apple Tree Gallery, Penydre/Apple Tree Gallery parking bay, new doorway, additional windows and roof lights and partial change of use to residential.
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Decision

1. The application for an award of costs is allowed in the terms set out below.

Reasons

2. The Section 12 Annex, Award of Costs, to the Development Management Manual advises that, irrespective of the outcome of the appeal, costs may only be awarded against a party who has behaved unreasonably and thereby caused the party applying for costs to incur unnecessary or wasted expense in the appeal process.
 3. Paragraph 3.9 advises that local planning authorities are not bound to adopt the professional or technical advice given by their own officers. However, they are expected to show that they had reasonable planning grounds for taking a decision contrary to such advice and that they are able to produce relevant evidence to support their decision. If they fail to do so, costs may be awarded against the authority.
 4. The application followed an unsuccessful appeal for a similar scheme and sought to address previous concerns by providing additional information. It was recommended for approval by the Authority's officers but was refused by the committee on the basis of concerns of overlooking from proposed rooflights and the safety impact of a doorway.
 5. Despite both the roof lights and doorway forming part of the earlier scheme, the Authority had not raised these concerns in its objection to that proposal. The report to the committee on the subject application explained why both matters were
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considered acceptable. In relation to the doorway, I can find no justification to support the committee's decision to find it unacceptable in the face of the advice of its officers and that of the Highway Authority. Indeed, the Authority approved a subsequent application for the same and has not sought to defend that reason for refusal.

6. Turning now to the specific concerns of overlooking. As was acknowledged in the officer's report and made clear in the presentation to the committee by a local resident¹, existing openings facing the neighbouring properties already give rise to overlooking that is deemed to impact on privacy. There is no evidence to explain how the proposed rooflights would materially alter any impact on the neighbours' amenity in this respect. Moreover, as my visit demonstrated, the roof lights would be at such a high level within the room as to limit any lines of sight towards the neighbours' amenity areas. This is the same finding reached by the Authority's officer following a site visit and reported to the committee. Its decision appears not to have been informed by a site visit. The Authority has failed to justify the basis for the committee's decision not to accept the professional and informed advice of its officers on this matter.
7. For the above reasons I find that the Council has failed to substantiate its reasons for refusing the application. Its actions were unreasonable as described in the Annex. It has caused the applicant to incur the unnecessary expense of pursuing an appeal. I conclude that a full award is justified.
8. The applicants have referred to matters relating to specific costs incurred but the value of the costs is not a matter for my determination.

Costs Order

9. In exercise of the powers under section 322C and Schedule 6 of the Town and Country Planning Act 1990 as amended, and all other enabling powers in that behalf, IT IS HEREBY ORDERED that Pembrokeshire Coast National Park Authority shall pay to Mr David and Mrs Yvonne Mannings the costs of the appeal proceedings described in the heading of this decision; such costs to be assessed in the Senior Courts Costs Office if not agreed.
10. Mr David and Mrs Yvonne Mannings are now invited to submit to Pembrokeshire Coast National Park Authority, to whom a copy of this decision has been sent, details of those costs with a view to reaching agreement as to the amount.

Hywel Wyn Jones

INSPECTOR

¹ As recorded in the minutes of the meeting



Penderfyniad ar yr Apêl

Ymweliad â safle a wnaed ar 19/07/21

gan Paul Selby, BEng (Hons) MSc
MRTPI

Arolygydd a benodir gan Weinidogion Cymru

Dyddiad: 6/8/21

Appeal Decision

Site visit made on 19/07/21

by Paul Selby, BEng (Hons) MSc MRTPI

an Inspector appointed by the Welsh Ministers

Date: 6/8/21

Appeal Ref: APP/L9503/A/21/3275403

Site address: Hill Cottage, Little Haven, Haverfordwest, SA62 3UE

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 David Revill against the decision of Pembrokeshire Coast National Park Authority.
 - The application Ref: NP/20/0435/FUL dated 11 September 2020, was refused by notice dated 12 March 2021.
 - The development is: Proposed rear and side extension to Hill Cottage, along with remodelling of the interior. Demolition of the existing garage and redevelopment as two double garages with a one bedroom apartment over.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. Supplementary Planning Guidance entitled 'Little Haven Conservation Area Proposals' ('the SPG') was published by the Authority in 2011. Whilst a replacement Local Development Plan (LDP) has been adopted since the SPG was published, in my view much within the SPG generally accords with those policies of the current LDP which are relevant to the determination of this appeal. Consequently, I have had regard to the SPG as a material consideration.
3. I am informed that mature conifers previously occupied the southern part of the appeal site. The Authority contends that there is no record of any notification, under section 211 of the Town and Country Planning Act 1990, having been received for the felling of these trees. Irrespective of this, as the trees are no longer in situ, I have proceeded to determine the appeal based on the appearance of the site as observed during my site visit.

Main Issues

4. The main issues are:
 - the effect of the proposal on the character and appearance of the area and the special qualities of the Pembrokeshire Coast National Park (NP); and
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- whether the proposed development would preserve or enhance the character or appearance of the Little Haven Conservation Area (CA).

Reasons

5. The appeal relates to a detached cottage of traditional design, and its associated garden and garage, which lies within the Little Haven CA. The dwelling's flank elevation is contiguous with a stone wall which adjoins Walton Hill, a steeply sloping lane and a key point of entry into the village. The cottage's front elevation faces towards the centre of Little Haven, and being elevated, it features somewhat prominently from nearby viewpoints. The property's garden accommodates grasses and shrubs, and slopes down towards a single storey flat roofed garage, retaining wall and car parking space adjoining Wesley Road.
6. Much of the immediate area's character derives from the considerable diversity in the siting, design and height of built form, which is arranged around a tight-knit network of lanes and interspersed with natural features and irregular gaps. Despite this ad-hoc character, there is a palpable consistency in the form and proportions of properties original to the village, which contributes positively to the area's character and appearance, including on Wesley Road to the appeal site's south.
7. Hill Cottage has been modified in various ways over time, but these additions are unobtrusive in scale or siting and the dwelling retains much of its original form and character. Its attractive front elevation has well-proportioned fenestration and features a traditional pitched roof bookended by chimney stacks. The silhouette of the south-facing gable also forms a notable element of the roofscape in views from the village centre. Whilst not identified as a building of local significance in the SPG, the appeal dwelling is akin to other properties of traditional design nearby and contributes positively to the area's character and appearance. Despite standing apart from other structures to the west and south, the dwelling and its curtilage unequivocally forms part of the historic core of Little Haven, which in turn is an element of the cultural heritage of the NP.
8. The proposal would replace existing rear single storey extensions to the dwelling with a 2-storey, double gabled structure, the roofs of which would be inserted into the rear slope of the dwelling's main roof. The elevation of the eaves of this part of the extension would be similar in height to the ridge of an existing mono-pitched rear extension. Set into the slope of the hillside, the scale of the double gabled element would appear subsidiary to the original dwelling, with a roof form which would appropriately shift its mass away from Walton Hill. With fenestration echoing that of the original dwelling and a siting relative to the highway similar to that of other dwellings nearby, the double gabled part of the rear extension would reflect the character of nearby structures and would not appear incongruous.
9. Due to its depth, the double gabled extension would require the partial removal of the stone boundary wall bounding Walton Hill. However, the extent of wall to be removed, including for a rear gateway, would be limited, and the appearance of the replacement or modified wall could be satisfactorily controlled via a condition.
10. Other elements of the proposed extensions would project beyond the dwelling's south-eastern flank elevation. Whilst a proposed single storey sunroom would be similar in design and height to an existing sunroom, and a moderate improvement in visual terms, the shallow pitched roof of the adjoining 2-storey element would relate poorly to the form and proportions of the original dwelling. Its cramped fenestration would also interact awkwardly with the original front elevation and with the additional first

floor window inserted into the existing south-eastern flank. Despite its limited depth, its mediocre design would be readily apparent from nearby viewpoints to the southwest and south, from where it would be perceived as a jarring addition to the dwelling which would detract from its traditional character. Consequently, as a whole, the proposed extensions and modifications to Hill Cottage would harm the character and appearance of the area and fail to conserve the cultural heritage of the NP.

11. The appeal scheme also proposes the demolition of the detached garage and, with associated works, its replacement with a two-storey mono-pitched structure featuring a triple garage and single garage at ground level and an apartment above. The proposed structure would be sited rearward of the current garage's front elevation, part-recessed into the sloping garden and would be seen in the context of other dwellings and ancillary structures of simple design which contribute to Wesley Road's diverse character. Nonetheless, despite the first floor being recessed behind a pergola, in close range views the broad, rectilinear form of the structure would appear unwieldy. Despite its mixed use, the significant width of the roller shutters would afford the structure the character of a garage, but its scale would considerably exceed other nearby ancillary structures, and it would appear intrusively dominant within the immediate street scene. The width of the roller shutters would also present an austere frontage to the street which would detrimentally affect the pedestrian experience. Although the front elevation of the structure would align with Waterloo House, the facing blank flank wall would diminish the positive contribution made by this adjacent characterful dwelling to the immediate area. Moreover, putting aside the design of the proposed structure, I concur with the view of the Authority that the extent of the loss of existing unbuilt space would detrimentally affect the interesting and varied streetscape of Wesley Road.
12. Whilst I accept that the neighbouring dwelling of Oswald House shares some design attributes with the proposed garage/apartment structure, I do not consider that property to be typical of the prevailing character of the immediate vicinity or to set a desirable precedent for future development. The planning permission for a dwelling to replace a garage at the nearby property of Manor House, to which my attention has been drawn, is not fairly comparable to the garage/apartment structure subject to this appeal, being of materially different design and siting to this proposal. I afford these matters limited weight.
13. Turning to the effect of the proposal on the Little Haven CA, I have found that the dwelling and its curtilage forms part of the village's historic core. I consider that retained features of the dwelling's original form and appearance contribute positively to the area's character and appearance and, with it, to the significance of the CA. In detracting from the dwelling's original character, it follows that the 2-storey rear/side extension would not preserve the character or appearance of the CA.
14. The existing garage is identified as an opportunity for enhancement in the SPG, and the garden is not identified as an important open space in that document. Nonetheless, I consider that the character of the CA derives in part from the natural features and irregularly shaped gaps which are interspersed with traditional built form. I have found that the erection of the garage/apartment would erode the extent of unbuilt space on Wesley Road and diminish the contribution made by Waterloo House to the streetscape. These are features which I consider contribute to the significance of the CA, but which would be detrimentally affected by the appeal scheme. Consequently, the garage/apartment structure would not preserve the CA's character or appearance.

15. To my mind, and subject to appropriate conditions, the double gabled element of the extension and modified wall would have a neutral impact on the Walton Hill frontage and the 'approach view' into the CA from the east. The replacement sunroom would result in a moderate visual improvement compared to the existing single storey extension. Consequently, I find that these elements of the appeal scheme would preserve the character or appearance of the CA. However, these positive or neutral effects are far outweighed by the identified harm to the CA caused by the 2-storey rear/side extension and garage/apartment structure.
16. The Authority contends that insufficient information has been submitted in relation to trees, landscape features and protection measures, but having regard to the apparent nature and siting of foliage and habitats in situ on the appeal site, and the conclusions of the submitted Bat Survey, I see little reason why such matters could not be addressed via mitigation secured by a condition. I find no conflict with policy 11 of the Pembrokeshire Coast National Park Local Development Plan 2 (LDP) in this regard, which concerns nationally protected sites and species; nor any tension with the statutory duty under section 6 of The Environment (Wales) Act 2016. However, having regard to section 72(1) of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990, I conclude that the appeal proposal would not preserve or enhance the character or appearance of the CA. I also conclude that the proposal would be contrary to the objectives of LDP policies 1, 6, 8, 14, and 29, which amongst other things seek to conserve and enhance the NP's cultural heritage and its special qualities and secure development which protects and enhances the special qualities of Rural Centres.

Other Matters and Conclusion

17. I acknowledge that the appellant engaged with the Authority with the aim of securing an acceptable design. However, irrespective of this or the advice received by officers of the Authority during the pre-application or application stages, I must determine the appeal based on the merits of the case, which is what I have proceeded to do.
18. Whilst the Council alleges conflict with LDP policy 30, that policy brings nothing more to the main issues in this appeal and I have not concluded against it. This does not, however, alter my conclusions in relation to the other LDP policies referred to above.
19. I have had regard to the other matters raised, but as I have found against the proposal in relation to the main issues, I do not go into these here. In any case, none of the other matters raised, including any potential benefits of the appeal scheme, alter my overall conclusion.
20. For the stated reasons I conclude that the appeal should be dismissed. In reaching this decision, I have taken account of the requirements of the Well-Being of Future Generations (Wales) Act 2015 and consider that this decision contributes towards the well-being objective to make our cities, towns and villages even better places in which to live and work.

Paul Selby

INSPECTOR