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## Penderfyniad ar yr Apêl

Ymweliad â safle a wnaed ar 09/11/20

gan **Richard Duggan, BSc (Hons)**  
**DipTP MRTPI**

Arolygydd a benodir gan Weinidogion Cymru

Dyddiad: 24<sup>th</sup> November 2020

## Appeal Decision

Site visit made on 09/11/20

by **Richard Duggan, BSc (Hons) DipTP**  
**MRTPI**

an Inspector appointed by the Welsh Ministers

Date: 24<sup>th</sup> November 2020

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**Appeal Ref: APP/T6850/A/20/3250007**

**Site address: Gobaith (Plot 5), Bron Y Gaer, Llanfyllin, SY22 5DF**

**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 consent, agreement or approval to details required by a condition of a planning permission.
  - The appeal is made by Mr Graham Stroud against the decision of Powys County Council.
  - The application Ref: 19/1316/RES dated 14 August 2019, sought approval of details pursuant to condition No. 1 of a planning permission Ref: P/2017/0032, granted on 7 March 2017.
  - The application was refused by notice dated 20 December 2019.
  - The development proposed is the erection of a dwelling.
  - The details for which approval is sought are: appearance, layout, scale, access and landscaping.
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### Decision

1. The appeal is allowed and the reserved matters are approved, namely appearance, layout, scale, access and landscaping submitted in pursuance of condition No. 1 attached to planning permission Ref: P/2017/0032 granted on 7 March 2017, subject to the schedule of conditions attached to this decision.

### Procedural Matters and Main Issues

2. Outline planning permission was granted on 20 January 2014 for the development of one dwelling with all details (the reserved matters) to be determined at a later stage<sup>1</sup>. A planning application was subsequently approved by the Council on 7 March 2017<sup>2</sup> to extend the time limit for the submission of reserved matters. This appeal deals with all the reserved matters of appearance, layout, scale, access and landscaping.
3. Therefore, the main issues in this appeal are the effect of the appearance, layout, scale, access and landscaping of the development on the character and appearance of the area.

### Reasons

4. The appeal site is a vacant plot of land located in a residential area close to the centre of Llanfyllin. Whilst there are more modern dwellings to the west of the site, the area of Bronygaer is mainly characterised by older two storey terraced and semi-detached

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<sup>1</sup> Council Reference: P/2013/1187

<sup>2</sup> Council Reference: P/2017/0032

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dwellings which are set back from the road and with limited separation space between them. Whilst some of the properties appear to have been altered and extended, the original character of the dwellings has largely been retained. This provides a setting of distinctive simple and plain architecture.

5. It is proposed to erect a single-storey dwelling on the appeal site, the principle of which is acceptable to the Council. However, it is the Council's case that due to the materials being used and the low ridge height, the dwelling would have an agricultural appearance that would be out of keeping with the surrounding area character and would erode the sense of place.
6. The submitted plans show that the dwelling would have timber doors and windows; utilise a mix of timber vertical boarding on the front and side elevations with rendered blockwork on the lower plinth, rear elevation and the retaining walls; and the roof would be covered in a standing seam zinc coated system. A large part of the front elevation, including the roof above, would include large areas of glazing providing views across the valley and access to the front patio area from the ground floor living area.
7. Modern, innovative and sustainable design and architecture is to be welcomed, but I acknowledge that it has to be undertaken with care, and attention given to the local context. National planning policy guidance set out within Planning Policy Wales (PPW) and Technical Advice Note 12 'Design' (TAN12) advises that '*understanding the site and its immediate and wider context is the basis for a meaningful and sustainable design response...Opportunities for innovative design will depend on the existing context of development and the degree to which the historic, architectural, social or environmental characteristics of an area may demand or inhibit a particular design solution.*' In this regard, I have also noted the content of the Council's Residential Design Guide (2004).
8. The immediate area is characterised by a very plain vernacular which is out of date and reflects the period when those properties were built, and given the historic simple design and materials found within the dwellings along Bronygaer I see no value in attempting to replicate this on the appeal site. Whilst the use of zinc cladding on the roof and the large areas of glazing would be unusual within the context of the immediate housing, I am satisfied that these elements of the design would absorb and reflect the landscape, which would result in the appearance of the dwelling constantly changing to reflect the ambient light and weather conditions.
9. Although the development would be seen as 'out of keeping' with the design and appearance of the other dwellings found along the street, the proposed dwelling would be architecturally superior and therefore visually preferable to the properties in the area. Despite the site being in an elevated position, the design of the development has responded to the existing gradients of the land which would result in the building sitting comfortably within the site.
10. The Council has referred me to a recent appeal<sup>3</sup> where similar issues were considered. Although there will always be some similarities between housing developments, I am satisfied from what I have read that this case is not readily comparable to the proposal before. As such, the conclusions of my colleague in that appeal decision have not influenced my determination of this appeal, and in any event, each case needs to be considered on its individual merits.

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<sup>3</sup> APP/T6850/A/19/3243827

11. The use of contemporary materials and modern design elements to create the dwelling would be a departure from local convention and could disturb traditional expectations of what a dwelling should look like. Be that as it may, seen in isolation its architectural coherence would clearly express its function in an uncompromising contemporary style. Viewed in its setting, it would continue the evolution of design reflected in the various age of buildings nearby without disrupting any prevailing distinctive characteristic. The proposed dwelling also presents an opportunity to achieve the environmental and sustainable goals through good design set out within PPW.
12. Notwithstanding its locally unique design, the above points cause me to conclude that the scheme would leave the character and appearance of its surroundings substantially unharmed. In those respects, it would not conflict with the related aims of PPW, TAN12 and Policy DM13 of the Powys Local Development Plan (2018).
13. The reserved matters application subject to this appeal also considered the 'landscaping' of the site. The plans submitted with the appeal scheme provide a general indication of the areas where landscaping would be created, and the Council confirms that this would be acceptable subject to the imposition of a condition. During the course of the planning application the 'access' to the site was amended to address the concerns of the Council, resulting in the Highways Officer raising no objection to the proposed access, subject to the imposition of appropriate conditions. I have no reason to disagree with the Council in this regard.

#### *Conditions*

14. I have considered the suggested conditions put forward by the Council and, having had regard to the advice in Welsh Government Circular 016/2014: *The Use of Planning Conditions for Development Management* (October 2014). I have not imposed the condition relating to the time limit for the commencement of development as this is a matter controlled by the outline planning permission. To avoid unreasonable requirements, I have not included one of the highway conditions suggested, but I have added a condition relating to the materials to be used in the construction of the dwelling to ensure no adverse visual impact on the street scene. The conditions and their associated reasons are set out in the schedule below.

#### **Conclusion**

15. 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, resilient, healthier and equal communities.
16. Having regard to the above and considered all other matters raised, I conclude that the appeal should be allowed, subject to the conditions set out in the annex attached to this decision.

*Richard Duggan*

INSPECTOR

## SCHEDULE OF CONDITIONS

- 1) The development shall be carried out in accordance with the following approved plans and documents: Gobaith 1 Location Plan; Gobaith 2 Site Plan; Gobaith 3 Ground Floor Plan; Gobaith 4 Elevations; Gobaith 5 Elevations; Gobaith 6 Perspectives; Garage Details and Landscaping Plan.

*Reason: To ensure that the development is carried out in accordance with the approved documents, plans and drawings submitted with the application.*

- 2) Prior to the construction of the dwelling hereby approved details and samples of the materials to be used in the construction of the external surfaces of the dwelling have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

*Reason: In the interest of the visual amenities of the area in accordance with Policy DM13 of the LDP.*

- 3) All planting, seeding or turfing comprised in the approved details of landscaping (drawing ref: Garage Details and Landscaping), shall be carried out in the first planting and seeding seasons following the occupation of the building or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

*Reason: In the interests of landscape appearance and to comply with LDP Policies DM2 and DM4.*

- 4) No other development shall commence until the access has been constructed so that there is clear visibility at a height of 0.6 metres above carriageway level over the full frontage of the developed site to the unclassified road effective over a bandwidth of 2.0 metres measured from the edge of the adjoining carriageway. Nothing shall be planted, erected or allowed to grow on the area(s) of land so formed that would obstruct the visibility, and the visibility shall be maintained free from obstruction for as long as the development hereby permitted remains in existence.

*Reason: In the interests of highway safety and in accordance with the provisions of LDP policies DM13 and T1.*

- 5) The gradient of the access shall be constructed so as not to exceed 1 in 15 for the first 15 metres measured from edge of the adjoining carriageway along the centre line of the access and shall be retained at this gradient for as long as the development remains in existence.

*Reason: In the interests of highway safety and in accordance with the provisions of LDP policies DM13 and T1.*

- 6) Upon formation of the visibility splays as detailed within condition 4 the centreline of any new or relocated hedge should be positioned not less than 1.0 metre to the

rear of the visibility splay and retained in this position as long as the development remains in existence.

*Reason: In the interests of highway safety and in accordance with the provisions of Powys LDP Policies DM13 and T1.*

- 7) Before any other development is commenced the area of the access to be used by vehicles is to be constructed to a minimum of 410mm depth, comprising a minimum of 250mm of sub-base material, 100mm of bituminous macadam base course material and 60mm of bituminous macadam binder course material for a distance of 5.5 metres from the edge of the adjoining carriageway. Any use of alternative materials is to be agreed in writing by the Local Planning Authority prior to the access being constructed.

*Reason: In the interests of highway safety and in accordance with the provisions of LDP policies DM13 and T1.*

- 8) Prior to the occupation of the dwelling, provision shall be made within the curtilage of the site for the parking of (vehicles in accordance with the requirements of CSS Wales Parking Standards) not less than one car per bedroom together with a turning space such that all vehicles serving the site may both enter and leave the site in a forward gear. The parking and turning areas shall be retained for their designated use for as long as the development hereby permitted remains in existence.

*Reason: In the interests of highway safety and in accordance with the provisions of LDP policies DM13 and T1.*

- 9) Prior to the occupation of the dwelling the area of the access to be used by vehicles is to be finished in a 40mm bituminous surface course material or (a suitably bound material which is to be approved in writing by the LPA) for a distance of 5.5 metres from the edge of the adjoining carriageway. This area will be maintained to this standard for as long as the development remains in existence.

*Reason: In the interests of highway safety and in accordance with the provisions of Powys LDP Policy DM13 and T1.*

- 10) No surface water drainage from the site shall be allowed to discharge onto the county highway. When installed there shall be a minimum clearance of 6 metres from the nearest part of the adjoining highway verge or footpath to any part of the soakaway installation.

*Reason: In the interests of highway safety and in accordance with the provisions of LDP policies DM13 and T1.*