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## Penderfyniad ar yr Apêl

Ymweliad â safle a wnaed ar 22/05/18

gan Kay Sheffield BA(Hons) DipTP  
MRTPI

Arolygydd a benodir gan Weinidogion Cymru

Dyddiad: 04.06.2018

## Appeal Decision

Site visit made on 22/05/18

by Kay Sheffield BA(Hons) DipTP MRTPI

an Inspector appointed by the Welsh Ministers

Date: 04.06.2018

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**Appeal Ref: APP/T6850/A/18/3197585**

**Site address: Dyffryn, Breidden Way, Guilsfield, Welshpool, SY21 9PU**

**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 Carl Hares against the decision of Powys County Council.
  - The application Ref P/2017/1279, dated 31/10/2017, was refused by notice dated 01/03/2018.
  - The development proposed is the erection of a dwelling and formation of a vehicular access.
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### Decision

1. The appeal is dismissed.

### Preliminary Matters

2. Whereas the application was made by Mr and Mrs Hares, the appeal has been lodged by Mr Hares. Mrs Hares has confirmed that she is in support of the appeal.
3. In refusing planning permission the Council had regard to the Powys Unitary Development Plan (UDP) which was in force at that time. However, the UDP has been superseded by the Powys Local Development Plan (LDP), adopted April 2018. I have therefore had regard to the LDP and not the UDP in determining the appeal. The Council has indicated that Strategic Policies SP1, SP5 and SP6 and Policy H1 of the LDP are relevant to the appeal.
4. The Appellant has raised concerns in his submissions regarding the Council's processing of the planning application. However it is the decision made by the Council and not the process which led to it which is before me. Reference has also been made to a neighbouring property having a private right of way across the site. This is a separate legal matter which has no bearing on the appeal.

### Main Issues

5. The main issues are the effect of the development on firstly, the living conditions of neighbouring residents and future occupants of the proposed dwelling with regard to privacy, light and outlook and secondly, the character and appearance of the area.

### Reasons

6. The appeal site lies in a residential area where there is a variety of properties in terms of their age, design and size. The site forms part of the garden to the existing
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property, Dyffryn, and the proposed dwelling would be sited between the existing property and the road. The proposed development also includes the creation of a new vehicular access off Breidden Way, close to the southern boundary of the site and the erection of a detached garage close to the northern and roadside boundaries.

7. Dyffryn is a two storey detached dwelling with a single storey section to the side. It is set back from the road, in line with the property to the south, Dolruddyn. The appearance of the property is deceiving as the elevation which has the character and appearance of a front elevation faces the rear garden. Notwithstanding this, the openings in the elevation facing the site include an entrance door and windows to a kitchen diner, stained glass window on the stairs and two windows to the upstairs bathroom. There is also a conservatory and a first floor balcony.
8. Whilst the glazed doors giving access to these features from inside the house are in situ externally, internally the openings have been blocked up. Although the Appellant has stated in his appeal submissions that the openings are to remain blocked and the balcony removed, this was not made clear in the planning application. I consider that the Council would be prejudiced if account was taken of these details in the determination of the appeal and I have therefore had no regard to them in reaching my decision.
9. The minimum separation distance between the facing elevations of the proposed dwelling and Dyffryn would be a minimum of approximately 8 metres. This is significantly less than the 20 metres minimum considered acceptable between directly facing habitable room windows in the Council's Residential Design Guide, unless it can be demonstrated that privacy can be maintained through design.
10. A fence has been erected on the proposed boundary between the two dwellings and whilst it would limit direct views between the windows of main habitable rooms in both dwellings I am concerned that there is the opportunity that the privacy of the occupants could be compromised. I also have concerns regarding views from the first floor balcony and bedroom opening. I therefore consider that the proposal would result in unacceptable harm to the privacy of the occupants of the proposed dwelling and Dyffryn.
11. In respect of daylight and sunlight the Residential Design Guide expects proposals to limit as far as possible any negative consequences on the windows of main habitable rooms in adjoining developments. I have no evidence as to whether the proposal would comply with the 25 degree test set out in the guidance. However, given the height and position of the proposed dwelling in relation to Dyffryn together with the separation distance I share the Council's concerns regarding the increased risk of overshadowing.
12. The outlook from Dyffryn would alter significantly as a result of the development. Given the limited separation and the position of the fence in relatively close proximity to windows to main habitable rooms, I consider that the proposal would have an overbearing impact on the outlook from Dyffryn. I have similar concerns with regard to the outlook from the proposed dwelling.
13. The evidence therefore leads me to conclude that the proposed development would have a detrimental effect on the living conditions of the occupiers of Dyffryn and on future occupants of the proposed dwelling with regard to privacy, light and outlook, contrary to Policy H1 of the LDP which seeks to ensure that housing development is appropriately located and suitable in scale and type to meet Strategic Policies SP1, SP5 and SP6, and the Residential Design Guide.

14. Dyffryn and its immediate neighbour, to the south, Dolruddyn, are set back from the road with large landscaped frontages and they share a common building line. The properties to either side, Argyll and 8 Marcella Close, are set nearer the road and it is acknowledged that the proposed dwelling would be in line with the latter. I also noted during my site visit that several properties have been built in the gardens of older properties. However, the examples I observed generally fronted different highways rather than being built one in front of the other off the same road frontage. There was also a detached garage which had been converted to living accommodation. However it was clearly an annex which visually was subsidiary to the main house and not a separate dwelling.
15. It is accepted that variation in the distances properties are set back from the road can add interest and variety to the street scene. Nonetheless, I consider that the position of the proposed dwelling immediately in front of Dyffryn, the limited separation between the dwellings and the confined nature of the plot with the garage directly adjacent to the roadside boundary would create a development which would be out of keeping with the character of the area and detrimental to its appearance, contrary to Policy H1 of the LDP which seeks to ensure that housing development is appropriately located and suitable in scale and type to meet Strategic Policies SP1, SP5 and SP6.
16. For the reasons given above, and having had regard for all other matters raised, the appeal is dismissed.
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.

*Kay Sheffield*

INSPECTOR