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## Penderfyniad ar yr Apêl

Ymweliad â safle a wnaed ar 21/12/20

**gan Declan K Beggan, BSc (Hons) MSc  
DipTP DipMan MRTPI**

**Arolygydd a benodir gan Weinidogion Cymru**

**Dyddiad: 29<sup>th</sup> January 2021**

## Appeal Decision

Site visit made on 21/12/20

**by Declan K Beggan, BSc (Hons) MSc  
DipTP DipMan MRTPI**

**an Inspector appointed by the Welsh Ministers**

**Date: 29<sup>th</sup> January 2021**

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**Appeal Ref: APP/T6850/D/20/3262739**

**Site address: Fronlwyd, Hirnant, Pen Y Bont Fawr, SY10 0HP**

**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 Colin Saward against the decision of Powys County Council.
  - The application Ref: 20/1023/HH dated 2 July 2020, was refused by notice dated 26 August 2020.
  - The development proposed is for the erection of a second-floor extension over the existing ground floor room with shower room, kitchenette and mezzanine floor (part retrospective).
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### Decision

1. The appeal is allowed and planning permission is granted for the erection of a second floor extension over the existing ground floor room with shower room, kitchenette and mezzanine floor (part retrospective) in accordance with the terms of the application, Ref: 20/1023/HH dated 2 July 2020, and the plans submitted with it, subject to the conditions in the schedule at the end of this decision.

### Procedural Matters

2. The address of the appeal site and description of the proposed development as stated on the planning application form and on the Council's decision notice vary slightly. The descriptions as given on the latter and copied into the banner heading above are more concise and it's on this basis that I have determined the appeal.
3. The proposal would provide for a second-floor extension over an existing ground floor element. The roof pitch at the front of the proposed extension would match that of the existing property whilst the rear pitch would be shallower; the front elevation of the proposed extension is set back marginally from the existing elevation. As detailed in the banner heading above, the development subject of this appeal has already been commenced. Based on my site observations it appears that the bulk of the external works to the extension, including the fenestration, have been completed as indicated on the submitted drawings and application details.

### Main Issue

4. I consider the main issue is whether the proposed development would preserve or enhance the character or appearance of the Hirnant Conservation Area (CA).
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## Reasons

5. Fronlwyd is a detached two storey dwelling found on the eastern edge of the small settlement of Hirnant. The property with its slate roof and stone and rendered walls appears to date from the late 19<sup>th</sup> century, with such distinctive materials generally reflected on other dwellings/buildings within the CA. The CA is centred on St. Illog's Church, around which a small number of dwellings including the appeal site can be found.
6. The appeal property with its slate roof and stone and rendered walls, along with other properties in the vicinity, makes a positive contribution to the character and appearance of the CA. The Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) requires that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of conservation areas. Planning Policy Wales Edition 10 (PPW) states, there will be a strong presumption against the granting of planning permission for developments which damage the character or appearance of a conservation area or its setting to an unacceptable level; it also states preservation or enhancement of a conservation area can be achieved by a development which either makes a positive contribution to an area's character or appearance or leaves them unharmed. The stance taken in PPW is reflected in Technical Advice Note 24: The Historic Environment (TAN 24). Technical Advice Note 12: Design (TAN 12) seeks, inter alia, to promote development that has a distinctive design, and which respects local character.
7. Policies DM13, SP7 and Objective 13 of the adopted Powys Local Development Plan (LDP), and SPG's<sup>1</sup> collectively seek to safeguard visual amenity and heritage assets. The CA is without a conservation area appraisal however the Council's SPG relating to conservation areas gives generic guidance on how to assess character in its absence.
8. The Council argue in its two refusal reasons, which essentially relate to the same issue, that the design and appearance of the proposal would be detrimental to the character and appearance of the area, particularly in regard to its location within the CA; I disagree.
9. I appreciate the rear roof pitch of the extension does not match that of the existing property, however such an asymmetric arrangement is not unusual as indicated elsewhere within the CA. In addition, the broad form of the extension in terms of mass/bulk would principally be seen against the existing property and therefore not appear unduly prominent, nor appear materially out of place locally as the external materials match the property, and reinforce the CA's distinctiveness. I note the proposal steps the extension back slightly from the front elevation of the existing dwelling and uses traditional materials to the walls and roof; this reflects advice in the SPG's albeit the front eaves are not recessed.
10. In terms of the proposal's fenestration, the existing property had varied window types as regards their shape/size, although there was a consistency with their grey colour, and therefore in this respect the proposed windows would not appear unduly out of character. In addition, throughout the CA I noted a wide variation in window types with a number of properties reflecting those indicated on the application details.

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<sup>1</sup> Supplementary Planning Guidance: Conservation Areas (2020), and Supplementary Planning Guidance: Residential Design (2020)

11. For the reasons given above, the proposed works would not appear materially prominent by virtue of their location on the eastern approach to the settlement, nor be at odds with any distinctive features contained within the CA.
12. Drawing the threads of the above together, for the reasons given the proposed development would not be detrimental to the historic character and appearance of the area. The proposal therefore would preserve the character and appearance of the CA, and as a result would not run contrary to the Act, the above mentioned policies of the LDP, advice in the SPG's, or national planning policy contained within PPW, in addition to advice as contained within TAN 24 and TAN 12, which collectively seek to protect visual amenity and heritage assets.

#### *Conditions*

13. I have considered the conditions suggested by the Council, given my decision to allow the appeal. In doing so I have had regard to the tests for conditions set out in Circular 16/14: *The Use of Planning Conditions for Development Management*. Suggested conditions 1 and 3 are not necessary; in regard to condition 1, the development has already commenced, whilst in regard to condition 3 the application details indicate the external materials/finishes to be used and these were evident during my site visit, and deemed acceptable. Subject to some minor modifications in the interests of precision, I agree the rest of the conditions suggested by the Council are reasonable and necessary.

#### **Conclusion**

14. After taking account of all the evidence before me, and for the reasons given above, I conclude that the appeal should be allowed.
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 and resilient communities.

*Declan K Beggan*

INSPECTOR

## Schedule of Conditions

1. The development shall be carried out strictly in accordance with the following approved plans and documents: Application Form; 20/001/PL/001 REV A – Site Location and Block Plan, 20/001/PL/101 REV A – Existing Floor Plans and Elevations, 20/001/PL/102 REV A – Proposed Floor Plans and Elevations, Heritage Impact Assessment and the Preliminary Roost Assessment & Bat Emergence Survey Ref: EE.703.20.PK, By: Enfys Ecology, Dated: 26/05/2020.

Reason: For the avoidance of doubt and to ensure that the development is implemented in accordance with the approved plans/details submitted with the application.

2. The mitigation measures identified within section 7 of the Preliminary Bat Roost Assessment & Bat Emergence Survey (Ref: EE.703.20.PK, By: Enfys Ecology, Dated: 26/05/2020), shall be adhered to and implemented in full during the course of the development and following the first beneficial use of the extension, and shall be maintained thereafter for as long as the development remains in existence.

Reason: To comply with Policies DM2, DM4 and DM13 of the LDP, PPW, TAN 5 and the Environment (Wales) Act 2016.

3. Prior to the commencement of the development hereby approved, a biodiversity enhancement plan, including details of biodiversity enhancement measures and plans/elevation drawings showing their proposed location, shall be submitted to and approved in writing by the Local Planning Authority. Any subsequently approved details shall thereafter be implemented prior to the first beneficial use of the extension hereby permitted.

Reason: To comply with Policies DM2, DM4 and DM13 of the LDP, PPW, and the Environment (Wales) Act 2016.

4. Prior to the first beneficial use of the extension, provision shall be made within the curtilage of the application site for parking and turning areas for vehicles in accordance with details to be submitted to and approved in writing by the Local Planning Authority beforehand. Any subsequently approved details shall be retained for such use in perpetuity.

Reason: In the interests of highway safety and in accordance with the provisions of LDP Policies DM13 (Part 10) and T1.