



Penderfyniad ar yr Apêl

Appeal Decision

Ymweliad â safle a wnaed ar 18/11/10

Site visit made on 18/11/10

gan Ian Osborne YH BA DipTP MRTPI
Arolygydd a benodir gan Weinidogion Cymru
Dyddiad: 03/12/10

by Ian Osborne JP BA DipTP MRTPI
an Inspector appointed by the Welsh Ministers
Date: 03/12/10

Appeal Ref: APP/Y6930/A/2136432

Site: Land at Tycoch Farm, Leiros Parc Drive, Rhyddings, Neath SA10 8ED

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 outline planning permission.
 - The appeal is made by Mrs Karen Jenkins against the decision of the Neath Port Talbot County Borough Council.
 - The application Ref P2008/0642 dated 01/05/08 was refused by notice dated 20/04/10.
 - The development proposed is the erection of two dwellings.
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Decision: The appeal is dismissed for the reasons set out below.

Procedural matters

1. The application is in outline only but with details of the means of access included for consideration at this stage. In addition, illustrative details of the siting of the proposed dwellings and of their main dimensions have been submitted. I have therefore determined the appeal on this basis.
2. The site visit was originally arranged to be carried out unaccompanied. However on reading the file I decided that an accompanied visit was required as it was necessary for me to enter onto private land, in particular the proposed access which would cross the gardens of the houses at 39 and 50 Leiros Parc Drive. An accompanied visit was therefore arranged and the occupiers of these 2 houses informed accordingly.
3. However at the outset of my inspection the Appellant indicated that she did not wish to take part in an accompanied visit. I therefore carried an unaccompanied inspection, including walking across the gardens of Nos 39 and 50 with the permission of the respective owners.

Main issues

4. The main issues in this case are: first the effect of the first part of the proposed access drive on the living conditions of the occupiers of 39 and 50 Leiros Parc Drive as the result of any disturbance from noise; and second, the effect of the middle stretch of this access drive on the character and appearance of the bridleway to the rear of No 39 and other houses on this part of this housing estate.

Reasons

5. On the first main issue, the proposed vehicular access would start at the head of the cul-de-sac at the top end of Leiros Parc Drive. It would commence at the back of the footway around this cul-de-sac and then cross adjoining strips of the gardens of Nos 39 and 50 before connecting with the bridleway beyond them. This bridleway runs from lower down Leiros Parc Drive at least as far as the buildings at Tycoch Farm. The land tenure interests of the occupiers of these two houses are not relevant in this appeal. However, because of the loss of much of their medium-sized gardens and, in particular, the noise of vehicles using this proposed access, I consider that it would have a seriously detrimental effect on the living conditions of the present and future occupiers of these two houses.
6. It is evident that this proposed access would also be used by vehicles generated by the existing buildings at Tycoch Farm. Although the existing bridleway means of access to this farm is close to Nos 39 and 50, nevertheless the use of part of their present gardens for this purpose would add materially to the harm which would be caused by the vehicles generated by the proposed dwellings.
7. I conclude therefore on this issue that the first part of the proposed access drive would have a harmful effect on the living conditions of the occupiers of 39 and 50 Leiros Parc Drive as the result of disturbance from noise. As such it would be out of accordance with Policies GC1(I) and H3(c) of the adopted Neath Port Talbot Unitary Development Plan [UDP] in that it would have a significant detrimental effect on the residential amenity of the occupiers of these two dwellings. This objection is sufficient reason on its own to withhold planning permission.
8. Turning to the second main issue, the stretch of bridleway between Leiros Parc Drive and Tycoch Farm, which is roughly surfaced and only single track, has a largely rural character and appearance with open fields to the north of it. The middle stretch of the proposed access drive, which would be some 7.5m wide because of its tight bend, would be superimposed on some 40m of this bridleway. This would involve the removal of a substantial length of hedge bank and bushes on its south side and materially affect the hedge bank on its north side. In my view this would result in a serious erosion of the attractive rural character and appearance of this bridleway.
9. I conclude therefore on this issue that the proposed access would have a harmful effect on the character and appearance of the bridleway to the rear of No 39 and other houses on this part of this housing estate. The Council's refusal notice states that the proposal would be contrary to Policy ENV 3 of the UDP. However, as I have not been provided with a copy of this policy, it would not be justified for me to conclude that the proposed access drive would be out of accordance with this policy. Even so, as it would have a harmful effect on the character and appearance of this essentially rural bridleway, this is also sufficient reason on its own to dismiss this appeal.
10. I have considered all the other matters raised, including the standard of the existing vehicular access to Tycoch Farm, the proximity of protected trees to the proposed access, the possible effect on local wildlife, and the possibility that land to the north of the appeal site may be developed for housing. However neither any of these nor any other matter alters my decision to dismiss this appeal.

Ian Osborne

Inspector