



Penderfyniad ar yr Apêl

Ymweliad â safle a wnaed ar 16/07/18

gan Paul Selby BEng (Hons) MSc
MRTPI

Arolygydd a benodir gan Weinidogion Cymru
Dyddiad: 03.08.2018

Appeal Decision

Site visit made on 16/07/18

by Paul Selby BEng (Hons) MSc MRTPI

an Inspector appointed by the Welsh Ministers
Date: 03.08.2018

Appeal Ref: APP/Z6815/A/18/3200103

Site address: Windsor Buildings, Ferry Road, Grangetown, Cardiff CF11 0JL

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 Chris Burrridge against the decision of Cardiff County Council.
 - The application Ref 16/02934/MJR, dated 9 December 2016, was refused by notice dated 12 October 2017.
 - The development proposed is described as 'Proposed affordable housing development and ancillary works'.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this case are:
 - the effect of the proposal on the living conditions of future occupants, with particular regard to outlook, amenity space and privacy;
 - the character and appearance of the area, with regard to street trees; and
 - whether the proposal would prejudice the development of the adjoining site.

Reasons

3. The appeal relates to a long, narrow site occupied by a furniture sales warehouse located at the junction of Ferry Road and South Clive Street. The immediate area's older built form of terraced and semi-detached dwellings and former light industrial buildings is interspersed with more recent 3 to 4 storey flatted developments. Four street trees on South Clive Street are located close to the appeal building. A motor repair garage adjoins the site's western boundary.

Living conditions

4. The proposed building would accommodate 18 flats in a 'walk up' configuration, with units accessed via ground floor corridors/walkways running along the site's western boundary. As these walkways would be partially enclosed by louvred screens and the
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flank wall of the neighbouring motor repair garage, most flats would be largely single-aspect, with the main source of light and outlook achieved via east-facing windows.

5. The outlook of most flats' living rooms would be onto 'winter gardens' of around 1 metre in depth. These winter gardens would feature substantial glazing which, in turn, would provide light and outlook to main living spaces.
6. South Clive Street would be capable of presenting an agreeable outlook to the flats. Houses opposite are set back from the road, with hedges marking front and side boundaries. The three adjacent lime trees would restrict views from first and second floor flats when in leaf, but given the extent of the exterior glazed areas, some of which would be set back from the principal elevation by balconies, the tree canopies would not appear harmfully overbearing.
7. The winter gardens at first and second floor levels would provide balcony-type outdoor amenity space, albeit they could be utilised year-round and would limit noise and dust. However, winter gardens on the ground floor would be located at a similar level to the footway and would lack any defensible space between the public and private realms. In my view, their limited depth, substantial glazing and proximity to the footway would discourage their practical use. To achieve acceptable levels of privacy within the main living rooms, occupants would be likely to draw blinds or curtains for substantial periods. Given the restricted views from west-facing windows this would result in an oppressive living environment.
8. Unit 1 would provide accessible accommodation and is configured differently to other flats. Its main living area would accommodate windows facing onto South Clive Street and the building's main access fronting Ferry Road. The limited width and secondary nature of the window facing onto South Clive Street would avoid harm to occupants' privacy despite it fronting directly onto the footway. The living room's primary window would, however, face onto the building's main access and a narrow footway where pedestrians using the pelican crossing tend to linger. From both the access and footway, clear views could be achieved into the main living space of Unit 1, harming the privacy of occupants. Given the height of the sill relative to the footway, planter box foliage could not be relied upon to sufficiently mitigate this harm. Measures such as obscure glazing or drawn blinds would unacceptably reduce the outlook available.
9. The appellant contends that the current scheme addresses concerns raised by an Inspector who dismissed an appeal against the refusal of planning permission for 19 residential units on the same site in August 2016 (ref: APP/Z6815/A/16/3145671). However, whilst the design differs from the 2016 proposal, I have reached similar conclusions to the previous Inspector in respect of the single-aspect design and the consequent need to maximise outlook from windows fronting South Clive Street. Although the appellant has sought to respond to previous criticisms regarding the location of the main access point, the resituated access has introduced privacy impacts in relation to Unit 1 that did not exist in the previous scheme.
10. I do not dispute that this site may be appropriate for ground floor living accommodation, particularly in light of the predominantly residential context and the site's location outside a designated shopping area. My attention has been drawn to nearby examples of back-of-footway residential development, and on my site visit I saw that some of these have been more successful than others in providing an acceptable degree of privacy to occupants, for example via raised ground floor levels. Nonetheless, the different site contexts and designs employed mean that none of these examples are directly comparable to the proposal before me.

11. Whilst I have had regard to the previous appeal decision and the other cited examples I have determined the appeal based on the circumstances of this specific case. For the given reasons I conclude that the appeal scheme would conflict with the amenity objectives of policies KP5 and H6 of the Cardiff Local Development Plan (LDP).

Character and appearance

12. Although not subject to tree preservation orders, the Lime trees adjacent to the appeal building are prominent and attractive features which contribute to the predominantly leafy, suburban character of South Clive Street.
13. Whilst the appeal building would occupy a similar footprint to the existing warehouse, its increased height would constrain the space available to accommodate the moderately spreading crowns of the adjacent Lime trees, two of which are estimated to have over 40 years' of life left. The arrangement of balconies and winter gardens and the extent of exterior glazing varies from the 2016 appeal scheme, but the overshadowing effects of the trees would be similar, particularly in units 7-9 and 14-17, the living room windows of which would be located in close proximity to the trees' crowns. Consequently regular pruning would be required. A completed Unilateral Undertaking (UU) includes a contribution towards the cost of this, as well as providing a new tree at the nearby Marl open space.
14. There is little evidence that crown-lifting, lateral branch reduction or wind tunnel effects caused by the appeal building would harm the health of the trees. The submitted tree survey, constraints plan and protection plan also indicate that the trees could be protected during construction. Nonetheless, the extent of pruning required to avoid harmful overshadowing of the adjacent units' main habitable living rooms would unacceptably diminish the trees' aesthetic value. Pressure to undertake further substantial pruning may also arise from honeydew, secreted by aphids which often attack Limes, falling onto windows and balconies.
15. Given the trees' species, size, condition and spread, and their proximity to the windows of proposed living rooms, I find that the appeal scheme would lead to pressure for works to the trees which would materially harm the character and appearance of the area. This harm would not be outweighed by the proffered financial contribution or the provision of a new tree at the Marl. I conclude that the proposal would run counter to the local character and visual amenity objectives of LDP policies KP5 and EN8.

Development of adjoining site

16. In order to avoid potential overlooking from west-facing windows which would prejudice the future development of the neighbouring site, the first and second floor walkways would feature finned/slatted screens adjacent to the common boundary. Although the detailed design of the screens is not before me, they would be composed of timber louvres arranged vertically.
17. With any such screening there is a trade-off between levels of privacy, light, outlook and ventilation. As the flats are largely single aspect, the bathroom and kitchen windows fronting the walkways are secondary in nature and primarily for ventilation rather than light and outlook. Whilst the efficacy of the visual screening would depend on details such as closeness, depth and angle of slats, there is little evidence that it could not provide the necessary ventilation whilst also avoiding harmful overlooking from the walkways.

18. Irrespective of the submitted sketch design, I concur with the previous Inspector that, although a comprehensive approach to the development of the appeal site and neighbouring motor repair garage might be desirable, the sites could in principle be developed independently. Subject to details to be agreed via condition, I am satisfied that the proposed louvred screening would acceptably avoid overlooking from the flats towards the adjacent site. I therefore conclude that the proposal would not prejudice either the existing use or future development of the motor repair garage for residential purposes and, in this regard, would accord with the design and amenity objectives of LDP policies KP5 and H6.

Other Matters

19. There is no dispute that the proposal, in providing 18 affordable homes, would contribute to meeting an identified local need. In this regard the submitted UU covenants the use of the dwellings as affordable housing and also includes a financial contribution towards the provision of off-site open space, in addition to the tree contribution already described.

20. I attach substantial weight to the scheme's benefits, particularly in terms of the provision of affordable housing. I also find that the proposal would not prejudice the future development of the adjacent site. These matters do not, however, outweigh the identified harm to the living conditions of future occupants and the character and appearance of the area.

21. 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 accords with the Act's sustainable development principle by contributing towards the objective of supporting safe, cohesive and resilient communities.

Conclusion

22. For the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

Paul Selby

INSPECTOR