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## Penderfyniad ar yr Apêl

Ymweliad â safle a wnaed ar 11/11/19

gan Richard E. Jenkins BA (Hons) MSc  
MRTPI

Arolygydd a benodir gan Weinidogion Cymru

Dyddiad: 20.12.2019

## Appeal Decision

Site visit made on 11/11/19

by Richard E. Jenkins BA (Hons) MSc  
MRTPI

an Inspector appointed by the Welsh Ministers

Date: 20.12.2019

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**Appeal Ref: APP/B6855/C/19/3235701**

**Site address: 27 Brynawel Crescent, Treboeth, Swansea, SA5 9DN**

**The Welsh Ministers have transferred the authority to decide this appeal to me as the appointed Inspector.**

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
  - The appeal is made by Robert Thomas against an enforcement notice issued by City and County of Swansea Council.
  - The enforcement notice, numbered: ENF2019/0241, was issued on 25 July 2019.
  - The breach of planning control as alleged in the notice is without planning permission, the erection of a side roof extension.
  - The requirements of the notice are to remove the side roof extension and re-instate the roof in materials to match the roof of the existing dwellinghouse.
  - The period for compliance with the requirements is 3 months beginning with the day on which the notice takes effect.
  - The appeal is proceeding on the grounds set out in section 174(2)(a) of the Town and Country Planning Act 1990 as amended.
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### Decision

1. The appeal is dismissed and the enforcement notice is upheld. Planning permission is refused on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

### Main Issue

2. The main issue in this case is the effect of the proposed development upon the character and appearance of the area.

### Reasons

3. The appeal relates to a semi-detached residential property located on a corner plot at No.27 Brynawel Crescent in Treboeth, Swansea. The appeal under ground (a) is that planning permission should be granted for the matters that comprise the breach of planning control. Retrospective planning permission is therefore sought in this instance for the erection of a side roof extension.
  4. I was able to confirm at the time of my site inspection that, by reason of its scale, siting, form and overall design, the side dormer represents a prominent and incongruous addition to the host property. Indeed, the development is located in a prominent position, injuriously alters the roof form of the appeal premises and fails to respect the modest simplicity of the existing dwelling. It also unbalances the roof form
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of the pair of semi-detached properties. The development therefore causes material harm to the character and appearance of the host property, the pair of semi-detached properties and the surrounding area.

5. I have considered all matters raised, including the fact that the dormer has been constructed in materials that match the wider refurbishments at the property. I was also able to observe a number of other properties within the area that incorporate prominent dormer extensions and note the appellant's references to similar dormers being approved by the Council. However, the use of materials does not materially lessen the foregoing concerns and I have not seen anything to indicate that the other dormers within the area, or in fact those approved by the Council, were granted planning permission under the same policy framework as that currently in place. In any event, I am not bound by previous decisions made by the LPA given that it is a well-established principle of planning that each case should be treated on its own particular merits. It is on this basis that I have determined the appeal.
6. Based on the foregoing, I conclude that the development causes material harm to the character and appearance of the area. It therefore follows that it runs counter to the general aims of Policy PS2 of the adopted City and County of Swansea Local Development Plan (2010- 2025) (LDP) (Adopted 2019) which relates to placemaking and place management. For this reason, and having considered all matters raised, I conclude that the appeal should be dismissed and the enforcement notice upheld. For the avoidance of any doubt, I have not attributed the Supplementary Planning Guidance (SPG) document entitled '*A design Guide for Householder Development*' (2008) any weight in the determination of this appeal given that it pre-dates the adoption of the LDP, with nothing to indicate that it has in fact been adopted as SPG to that document.
7. I have considered the duty to improve the economic, social, environmental and cultural well-being of Wales, in accordance with the sustainable development principle, under section 3 of the Well-Being of Future Generations (Wales) Act 2015 (WBFG Act). I have also taken into account the ways of working set out at section 5 of the WBFG Act and consider that this decision is in accordance with the sustainable development principle through its contribution towards one or more of the Welsh Ministers well-being objectives, as required by section 8 of the WBFG Act.

*Richard E. Jenkins*

INSPECTOR