
Penderfyniad ar yr Apêl

Ymweliad safle a wnaed ar 22/06/21

gan Hywel Wyn Jones, BA (Hons) BTP
MRTPI

Arolygydd a benodir gan Weinidogion Cymru

Dyddiad: 28/7/21

Appeal Decision

Site visit made on 22/06/21

by Hywel Wyn Jones, BA (Hons) BTP
MRTPI

an Inspector appointed by the Welsh Ministers

Date: 28/7/21

Appeal Ref: APP/B6855/C/21/3273455

Site address: 90 Rhyddings Terrace, Brynmill, Swansea, SA2 0DS

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 Andrew Morgan against an enforcement notice issued by the City and County of Swansea Council.
 - The enforcement notice, numbered ENF2017/0449, was issued on 17 March 2021.
 - The breach of planning control as alleged in the notice is without planning permission, change of use of a residential dwelling/house into two separate self-contained flats.
 - The requirements of the notice are:
 - (i) Cease use of the property as two separate self-contained flats.
 - (ii) Remove either the ground floor kitchen or first floor front room kitchen (units and appliances) and revert use of this room back to either living space or bedroom (see floor plan options attached).
 - (iii) Remove internal locking 'front door' access to each of the two flats, located adjacent to the stairs up to the first floor, and replace with standard internal doors (see floor plan attached).
 - (iv) Revert property back to use as a single residential dwelling/house.
 - The period for compliance with the requirements is 8 months beginning with the day on which this notice takes effect.
 - The appeal is proceeding on the grounds set out in section 174(2)(f) 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.

Ground (f) appeal

2. The sub-division of the appeal property into 2 flats has been the subject of unsuccessful planning applications, including a dismissed appeal¹ in July 2018. In the grounds of appeal and final comments the appellant disputes the harm that the Council has identified. Those arguments are ones related to the planning merits of the case but, as the appellant has chosen not to pursue a deemed planning application by

¹ APP/B6855/A/18/3197956

pleading ground (a), such considerations are not relevant to my determination of the appeal.

3. As the Council identifies in its statement, the appellant has not identified lesser steps that would overcome the Council's objection to the development. The notice seeks to address harm in relation to residential amenity and highway safety and I am satisfied that the required steps, which would effectively ensure that the use of the property reverts to a single dwelling, are reasonable and proportionate. There is nothing before me to suggest that lesser steps would satisfy the purpose of serving the notice. This ground of appeal must, therefore, fail.

Conclusion

4. For the above reasons and having regard to all other matters raised, I conclude that the appeal should be dismissed and the enforcement notice upheld.

Hywel Wyn Jones

INSPECTOR