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## Penderfyniad ar yr Apêl

Ymweliad safle a wnaed ar 3/11/21

gan **H W Jones BA(Hons) BTP MRTPI**

**Arolygydd a benodir gan Weinidogion Cymru**

**Dyddiad: 13/01/2022**

## Appeal Decision

Site visit made on 3/11/21

by **H W Jones BA(Hons) BTP MRTPI**

**an Inspector appointed by the Welsh Ministers**

**Date: 13/01/2022**

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**Appeal Ref: APP/B6855/C/21/3276877**

**Site address: 42 Myrddin Road, Bonymaen, Swansea, SA1 7HF**

**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 Mrs Roxana Vieru against an enforcement notice issued by the City and County of Swansea Council.
  - The enforcement notice, ref: ENF2021/0011, was dated 12 May 2021.
  - The breach of planning control as alleged in the notice is: Without planning permission, the material change of use of the land to a mixed use of motor vehicle repairs and residential and the erection of a detached garage to facilitate the unauthorised use.
  - The requirements of the notice are:
    - (i) Cease the use of the land for motor vehicle repairs
    - (ii) Demolish the unauthorised garage
    - (iii) Remove the resultant materials from the site
  - The period for compliance with the requirements is:
    1. One day in relation to the use of the land described in (i) above
    2. One month in relation to the demolition of the building and removal of materials as described in (ii) and (iii) above.
  - The appeal is proceeding on the ground 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, the enforcement notice is upheld and planning permission is refused on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

### Procedural Matters

2. The appellant asserts that the use of the garage for commercial motor repairs has ceased, although this is disputed by some local residents. At the time of my visit there was 1 car parked within the front part of the garage. The room at the rear contained a range of tools, materials and equipment many of which are evident in the Council's submitted photographs and included specialist equipment associated with a commercial

repair garage. This included spare vehicle parts, numerous engine oil cans and spray paint cans, a heavy duty vice and workbench and mechanics' tools.

### **Ground (a) appeal**

3. The appellant's sole grounds of appeal is that planning permission should be granted for the matters alleged. The Council and local residents have drawn my attention to the harmful impacts of the commercial activity, such as noise, odour, general disturbance and congestion. These impacts are not disputed and it is clear that the appellant is not claiming that permission should be granted for the commercial operation that has taken place, and for which purpose the garage had been erected. Rather the appellant seeks permission to retain the building, described as a garage and shed, for the purpose of parking cars owned by the appellant and spouse. It is on that basis that I have considered this ground of appeal.

### **Main Issues**

4. In light of the limited scope of the deemed planning application, the main issues are the effect of the garage on:
  - (i) the character and appearance of its surroundings; and
  - (ii) the living conditions of residents of the appeal property in terms of outdoor amenity space.

### **Reasons**

#### Character and Appearance

5. The appeal property is a two-storey, semi-detached house situated on a corner plot within a residential street that mainly comprises a mix of semi-detached and short terraces of houses. The similarity in their design, form and external materials and the regularity of their layout provide a strong visual coherence.
6. The property's irregular-shaped plot has a wide frontage onto the street which markedly reduces rearwards to a narrow rear garden. The garage is of utilitarian appearance, clad in black corrugated roof sheeting with walls mostly clad in timber sheeting. The Council estimates its dimensions as 11m in length, 5m in width and over 4.5m in height. It extends over the vast majority of the rear garden extending from one side boundary to the other.
7. Vehicular access to the garage is gained along the side of the house. A tall, solid timber fence which appears to exceed 2m in height and which contains tall double gates and a pedestrian gate has been erected across the driveway to the side of the dwelling. The fence is a visually imposing screen which masks views of the garage from the front of the property. The Council explains that it was erected after the construction of the garage.
8. The garage's position relative to the U-shaped layout of the estate road means that its roof is visible from a nearby section of the street across the adjoining neighbouring garden. Whilst tall evergreen trees along the mutual side boundary screen much of the building from this vantage point, the long-term presence of this vegetation cannot be relied upon. There are also clear views of the garage roof from higher ground to the east. It is also inevitable that the garage would be seen from within several of the nearby properties, especially from first floor windows.
9. Whilst the available views of the garage are only of parts of the building because of the screening effect of vegetation and other structures, in comparison with other outbuildings within nearby residential curtilages it appears over-sized and discordant. Its design and scale is out of keeping with the domestic character of the housing estate.

10. On this main issue I find that the garage is harmful to the character and appearance of the area. As it does not respond positively to local context and character it is contrary to policy PS2 of the City and County of Swansea Local Development Plan 2010-25.

Living Conditions

11. The housing estate has been designed to provide each property with its own outdoor amenity space. The physical presence of the garage has resulted in the loss of virtually the whole of the usable private outdoor amenity space serving No. 42. This has a significant harmful impact on the living conditions of the occupiers, given the important recreational role that such spaces can play in supporting the well-being of residents. The scheme conflicts with Policy PS2 in this respect.

Other Matters

12. The appellant suggests a lack the funds to pay for 'changes to the building' but provides no more detail to substantiate the assertion. In any event this is not a consideration that justifies retaining this harmful development.

**Conclusion**

13. For the above reasons I conclude that the harmful impact of the garage on its surroundings and on the living conditions of the property's residents are both unacceptable. I shall therefore dismiss the appeal and shall uphold the enforcement notice and refuse to grant planning permission on the application deemed to have been made.

14. 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 making our cities, towns and villages even better places in which to live and work.

*H W Jones*

Inspector