

Arolygwyr Cynllunio

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Your Ref / Eich cyf:

Our Ref / Ein cyf:

APP 84-135

Date / Dyddiad:

08 JUN 1994

Dear Sirs

**TOWN AND COUNTRY PLANNING ACT 1990, SECTION 78 AND SCHEDULE 6
APPEAL BY SIÂN REARDON
APPLICATION NUMBER:- 93/1027**

1. I have been appointed by the Secretary of State for Wales to determine the above mentioned appeal. This is against the decision of the Swansea City Council to refuse planning permission for change of use of first floor storeroom/playroom above garage to residential bedsit for use by the occupants, family, friends etc of No 25 Bishopston Road only on land at Ty Hapus, 25 Bishopston Road, Bishopston, Swansea. I have considered the written representations made by you and by the Council and also those made by the Community Council and interested persons including those made directly to the Council and forwarded to me. I inspected the site on 4 May 1994.

2. I have used above the amended description of the proposal contained in your client's letter of 28 September 1993 to the Council. Although a planning application was made, apparently to regularise a use already begun, a main part of your case is that planning permission is not needed. You say use of a building within the curtilage of a dwellinghouse as a bedroom makes that accommodation an integral part of the ordinary residential use of the dwellinghouse, not even a use incidental to its enjoyment. I deal with this first.

3. The Gravesham case put to me indicates that there can be situations where bedrooms in the garden of a dwellinghouse are not developments requiring planning permission. But in the case before me there is a downstairs area with a toilet, washbasin (both previously existing) with an electrically powered shower recently installed but not yet fully completed. Within this area is a separate electricity consumer unit (also previously existing) and an un-plumbed washing machine. Upstairs is a bed-sitting room insofar as it contained two single beds and sitting accommodation, but also a kitchen sink with electric water heater, a kitchen cupboard, and a space shown for a cooker which I understand was occupied by a wired up electric cooker until fairly recently. This accommodation

can be reached either through the rear garden of Ty Hapus or by a path leading directly to the 'back lane' by the door of the garage part of the building. The downstairs and upstairs part communicate internally by a staircase and there is an external door at ground level such that access can and would normally be obtained independently of the garage part. In my opinion all the above indicates that what is intended is the creation of a separate self-contained dwelling which includes that part of the ground floor behind the garage not mentioned in the application but shown on the accompanying plans. I do not see this as an integral part of the main dwellinghouse nor a use incidental to its enjoyment, but as development requiring planning permission regardless of whether its occupation could be confined to occupants of the dwelling No 25 Bishopston Road, their family, friends etc. I proceed to deal with the appeal on this basis.

4. Consequently, and from all I have seen and read in this case, there appears to be one main issue - the effect of such a dwelling on the living conditions of nearby residential occupiers principally in terms of potential loss of privacy and increased noise and disturbance.

5. All guidelines for residential development, whether expressed in Planning Policy Guidance Notes or council design guides and standards recognise that dwellings should be spaced such that a degree of privacy is created or preserved (particularly in the normally more private rear amenity areas), normal noise and disturbance of domestic activities can be dissipated over distance, and one building does not appear over-dominant in relation to another even if daylight and sunlight are not directly affected. I appreciate that this particular building has been in existence for around 10 years and that no external changes in appearance are proposed. Nevertheless I consider that the proposed change of use would result in levels of activity materially different from the present permitted use, and that I should assess its impact along lines similar to those applicable to a proposal to erect a dwelling of comparable size and orientation on the site.

6. In this particular case there is a minimum distance of about 11 metres between the west face of the building and the rearmost parts of Nos 25 and 23. The building itself by its height and being set on rising ground, is already relatively dominant in the rear garden environment and has its only windows at first floor level. In these circumstances I consider that both No 23 and No 25 would suffer severe loss of privacy by overlooking of their gardens and rear facing elevations that could not be overcome by screening or making the existing obscure glazed window unopenable. Also the increased levels of activity would have little chance to be dissipated over distance and would in my view be perceived by the occupier of No 23 at least as an unacceptable increase in noise and disturbance. Your client would be the beneficiary of any permission and prepared to accept the resultant loss of residential amenity, but I do not consider this or the

possibility of restricting occupation to family, friends etc justifies the creation of a dwelling so close to existing ones, with all the disadvantages I have set out above. Accordingly I find on the main issue that the creation of a separate self contained dwelling would harm the living conditions of nearby residential occupiers and is unacceptable.

7. I have taken account of all other matters put to me. The two dwellings would it seem share three parking spaces - two in the garage and one by the side of No 25. I am not convinced this would either lead to parking congestion in the lane or add to traffic to a degree likely to cause highway safety problems. I have included the effects of potential extra traffic on neighbours under noise and disturbance in the main issue. The building is in a Conservation Area but I consider the proposal would preserve the appearance of the area. These and all other matters do not in my opinion have sufficient weight to change my conclusion on the main issue.

8. For the above reasons, and in exercise of the powers transferred to me, I hereby dismiss this appeal.

Yours faithfully

M. J. Thomson

M J THOMSON BA(Hons) DipTP
Inspector