Penderfyniadau Cynllunio ac Amgylchedd Cymru
Planning & Environment Decisions Wales

Appeal Decision

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by N Jones BA (Hons) MSc MRTPI

an Inspector appointed by the Welsh Ministers

Decision date: 10/10/2024

Appeal reference: CAS-03623-C9P2R6

Site address: 10 Daisy Road, Brynteg, Wrexham, LL11 6LH

- 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 Mark Jones against the decision of Wrexham County Borough Council.
- The application Ref P/2024/1086, dated 22 May 2024, was refused by notice dated 11 July 2024.
- The development proposed is a first floor side extension above existing garage.
- A site visit was made on 24 September 2024.

Decision

1. The appeal is dismissed.

Procedural Matter

2. Local Planning Guidance Note 20 'House Extensions' (LPGN20) was updated in 2010. Whilst I note that the policies that underpin LPGN20 have been superseded with the adoption of the Wrexham Local Development Plan (LDP) in 2023, I nevertheless consider that the generic nature of the guidance provides a useful benchmark from which to assess this proposal. I will therefore afford LPGN20 weight in the determination of this appeal.

Main Issue

3. The main issue is the effect of the proposal on the living conditions of occupiers of No 10a Daisy Road (No 10a).

Reasons

4. The appeal property is an end of terrace two-storey dwelling located in an elevated position within a compact residential setting on Daisy Road. The proposal is to erect an additional bedroom above the existing garage which is attached to its northern gable, and which forms the property's boundary with the side garden of No 10a. This neighbouring dwelling, along with the larger property at No 11 Daisy Road (No 11) to which it is attached, are set perpendicular to the appeal property's front parking and garden areas.

5. LPGN20 advises that extension should not result in a significant loss of privacy, daylight or sunlight to neighbouring properties, or be visually overbearing when viewed from adjoining houses. Amongst other things, extensions should not be so large as to create a claustrophobic effect or cause a significant amount of visual intrusion and loss of light to neighbouring properties.

6. I saw that No 10a has ground and first floor windows in both its front and side elevations close to the appeal property. No 10a has a rear paved patio area but I saw that this would benefit from little sunlight due to its position close to the rear of the dwelling on its northern elevation. Existing structures occupy much of the remaining garden space to the rear, abutting the tall boundary wall of the neighbouring dwelling to its north. It also has a side garden area comprised largely of grassed terraces retained by low stone walls, with a shed at its northernmost end. This side garden area is encased to its southern boundary by the appeal property's garage and garden fence, and to its western boundary by the tall retaining wall and fencing of the elevated garden area of the neighbouring property on Brynisa Road, limiting the outlook from the property's side openings.

7. Given the relative positions of the dwellings and the intended position of window openings, the appeal proposal would not lead to any direct overlooking of No 10a's side or front window openings, or towards its garden areas, and so would not lead to unacceptable loss of privacy. The intended first-floor extension would be no further forward than the existing garage and so would not result in any unacceptable loss of outlook from No 10a's front window openings. In accordance with the principles of the Building Research Establishment 45º test adopted by the Council, as set out in LPGN20, the appellant has produced a sun analysis which demonstrates that there would be no unacceptable loss of light to habitable room windows at No 10a.

8. However, the proposed extension would rise above the enclosing feature of the existing garage, doubling its height for much of the length of the boundary between the appeal property and No 10a's already largely enclosed side garden area. Although grassed terraces extend for much of the depth of No 10a's side garden, I saw that the area closest to the appeal property, where some garden chairs were located at the time of my site visit, is the only location within that side garden area, through the small gap between the corners of the appeal property's garage and the front elevation of No 10a, which allows an outlook out of an otherwise enclosed space.

9. Owing to its proximity, width and height, the proposed first floor extension would be an overbearing and oppressive feature when viewed from the closest side garden area of No 10a. Due to its scale and form, it would create a claustrophobic effect, appreciably adding to the side garden's existing sense of confinement.

10. Moreover, the appellant's sun analysis confirms that the proposal would lead to overshadowing of this part of No 10's side garden area during the peak of summer. I acknowledge that this overshadowing would affect only a small part of No 10a's side garden. However, in the context of the limited outdoor space available providing an outlook to its occupiers, I consider that the overshadowing effect of the intended extension, during times when this area would be more likely to be in use during the summer months, would be significantly harmful.

11. I acknowledge that the appeal proposal represents a reduced amended design to a scheme previously refused by the Council and that there would be no loss of garden or parking areas at the appeal property as a result of the proposal. The Council raises no objection in relation to the effect of the proposal on the character and appearance of the area or on the living conditions of other neighbouring occupiers. From my own observations, the proposal would complement the existing dwelling and would not harm the varied character of housing locally. Although I saw the proposal would be close to a

gazebo structure in the rear garden the adjoining property at Brynisa Road, given the relative levels of the respective garden areas and intended use of the room, I do not consider the proposal would lead to unacceptable overlooking or loss of privacy to occupiers of this property. Nevertheless, these matters do not outweigh the harm I have identified in relation to the main issue.

12. I conclude that the proposal would harm the living conditions of occupiers of No 10a Daisy Road. The proposal would therefore fail to comply with LDP Policy DM1 which requires that development proposals, where relevant, must not have an unacceptable effect on the amenity of the occupiers of nearby properties/land. It would also be contrary to the advice within LPGN20.

Conclusion

13. For the reasons given above having taken all other matters into account, I dismiss the appeal.

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 one or more of the Welsh Minister's wellbeing objectives as required by section 8 of the Act.

N Jones

INSPECTOR