Report of the Chief Officer Economy and Planning

Application Reference
P/2024/1700

Applicant
Mr Alexandra Kotusiewicz

Agent
Mr Geraint Edwards

Site Address
27 STANSTY ROAD, WREXHAM, LL11 2HR

Description of Development
ADEILADU ADEILAD ALLAN / ERECTION OF OUTBUILDING

Ward
Grosvenor/Grosvenor

Community
Rhosddu/Rhos-ddu

Recommendation
Grant

Officer Report

Site Description
27 Stansty Road is a two storey end of terrace dwelling that is surrounded by similar dwellings within the settlement limit of Wrexham Town. To the rear of the dwelling is Wrexham Tennis Centre and Ashfield Playing field.

Report of the Chief Officer Economy and Planning



Proposal
Planning permission is sought for the erection of an outbuilding within the rear garden of the property. The development has already reached an advanced stage, therefore permission is sought in retrospect.

The building is 3.4m long x 4.9m wide and 3.1m high. It has a flat roof approximately 3.1m from the ground level the building has been erected on. The building has been erected on a raised area of the garden that is approximately 0.7m high.

Reason for Committee Determination
Objection received from the Community Council

Site History
P/2015/0793 - Erection of Front Boundary Wall & Front Porch - Granted - 01/02/2016

P/2022/0416 - Single Storey Front and Rear Extensions - Granted - 01/08/2022

P/2022/0933 - Lawful Development Certificate for Single Storey Side Extension - Granted - 22/11/2022

Development Plan
Wrexham Local Development Plan

SP2 - Location of Development
SP11 - Transport & Accessibility
SP14 - Natural Environment
DM1 - Development Management Considerations
T1 - Managing Transport Impacts

Local Planning Guidance Notes
No 20 **-** House Extensions

Relevant National Policy
Planning Policy Wales Edition 12
Future Wales - National Plan 2040
Technical Advice Notes
TAN 5 - Nature Conservation & Planning
TAN 12 - Design

Consultation Responses
Community Council:
Rhosddu Community Council - objects to the development for the following reasons: -

- The height of the shed at 2.5 metres above regulations contradicts local planning laws;
- It lies directly adjacent to the neighbour's boundaries;
- The structure would set a problematic precedent potentially encouraging further non-compliant elevations by other property owners;
- The scale of the shed is inconsistent with the existing character of the area; and
- Untidy appearance, given the size and scale of the shed backs onto the local park.

Local Member:
Councillor Marc Jones - No Response Received

Publicity Undertaken:
Site Notice: 13th January
Notification Letters: 4 x Neighbour Letters Sent

Responses to Publicity:
2 x representations received objecting to the application expressing the following concerns:

- The height of the shed at 2.5 meters above regulations contradicts local planning laws. Such a structure would set a precedent, potentially encouraging further non-compliant alterations by other property owners;
- The scale of the proposed shed is inconsistent with the existing character of the area;
- Untidy Appearance. Given its substantial size, the proposed shed that backs on to the local park. It could introduce an unintended sense of

visual clutter and could become an eyesore, detrimental to both property values and local scenery;
- Concern for the impact on community welfare and property values;
- Visually unattractive and dominates the eyeline from most directions; and
- The height of the building.

Principle of Development

Current Status of the Local Development Plan

The Court of Appeal judgement handed down on the 20th of December 2024 concluded that the Planning and Compulsory Purchase Act 2004 (the 2004 Act) does not impose a duty on a Local Planning Authority to adopt a Local Development Plan. It has the effect of overturning the High Court judgement of 29 November 2023, which had concluded to the contrary but this judgement is currently subject to an application to the Supreme Court by the Welsh Ministers to challenge.

The Wrexham Local Development Plan (2013-2028) (LDP) was adopted by Full Council on 20th December 2023. The judgement of the 20th December 2024 does not, by itself, alter the status of the LDP as 'the development plan', as defined in section 38(4)(c) of the 2004 Act and further legal process is required to 'unadopt' it. In accordance with section 38(6) of the 2004 Act, any planning applications or appeals must be determined in accordance with the development plan unless material considerations indicate otherwise.

The LDP therefore remains adopted and therefore the starting point for the determination of planning applications until the Court orders to the contrary.

Design

The outbuilding is located on a raised area in the rear garden and existing curtilage of the application site. It is not readily visible from the public highway and does not harm the street scene. When viewed from the land to the rear of the site, the outbuilding's scale and appearance appears ancillary to dwelling. It therefore does detract from the appearance of the dwelling or the wider locality.

Having regard to the above, the development accords with policy such as DM1.

Impact on Neighbouring Amenity

The outbuilding has windows in the north-east and north-west facing elevations facing into the applicant's private amenity space. There is a fence of approximately 2 metres in height along the boundaries between No.27 and the adjoining dwellings, Nos.25 and 29 which provides sufficient screening to prevent significant overlooking of the garden areas of those properties.

The outbuilding is approximately 8 metres from the rear of no.25. Owing to its overall size and position adjacent to the far corner of the garden of No.25, the outbuilding does not significantly reduce the amount of daylight received by windows serving habitable rooms nor is it considered to be overbearing. The

outbuilding is approximately 5 metres from the boundary with No.29, so has minimal impact in respect of daylight or visual dominance.

Having regard to the above, the outbuilding does have unacceptable effects on the living conditions of the occupiers of Nos.25 or 29. It therefore accords with policy DM1.

Natural Environment

The application has been accompanied by a Green Infrastructure and a Net Biodiversity Benefit Statement, which satisfy the requirements of Chapter 6 of Planning Policy Wales.

The submitted statement is considered to be acceptable and the proposed net benefit to biodiversity measures, which comprises of some new planting and the installation of a new bird box, is commensurate to the scale of development proposed. The implementation of the proposed measures will be secured by way of a suitably worded condition.

Due to the above the proposal is considered acceptable and accords with the relevant national policies and Policy SP14 of the LDP.

Conclusion

The outbuilding is appropriate in terms of its design and would not result in unacceptable harm to the living conditions of the occupiers of neighbouring properties. In such terms it accords with the relevant LDP policies.

Conditions

1. The development shall only be carried out in strict accordance with the details shown on the following plan(s) and document(s): Project: - 27 Stansty Road, Wrexham, Title: - Proposed Shed Floorplan and Elevations, dated: - 17/12/24, Drawing No A102, Project: - 27 Stansty Road, Wrexham, Title: - Proposed Site Plan, dated: - 17/12/24, Drawing No A101 and Project: - 27 Stansty Road, Wrexham, Title: - Location Plan, dated: - 17/12/24, Drawing No A001.

2. The development hereby permitted shall not be utilised until the measures to deliver net benefit for biodiversity (NBB) shown on Accompanying Green Infrastructure Statement dated the 19/12/24 have been implemented in full. The measures shall thereafter be maintained for the lifetime of the development.

3. The building shall not be utilised at any time other than for purposes ancillary to the residential use of the dwelling house known as 27 STANSTY ROAD, WREXHAM, LL11 2HR.

Reasons

1. To comply with Section 91(3) of the Town and Country Planning Act, 1990.

2. To ensure the development delivers net benefit to biodiversity in accordance with paragraph 6.4.5 of Planning Policy Wales 12.

3. To protect the amenities of the occupiers of nearby properties in accordance with Policy DM1 of the Wrexham Local Plan.