



## Appeal Decision

---

by N Jones BA (Hons) MSc MRTPI

an Inspector appointed by the Welsh Ministers

Decision date: 03-02-2023

Appeal reference: CAS-01971-G2C4N4

Site address: 19-20 Hill Street, Cefn Mawr, Wrexham, LL14 3BA

---

- 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 Roger Jesson against the decision of Wrexham County Borough Council.
  - The development is the erection of decking.
  - A site visit was made on 10 January 2023.
- 

### Decision

1. The appeal is dismissed.

### Procedural Matters

1. The Council's decision notice refers to the proposal as 'erection of decking (in retrospect)', which I consider to be a more concise description. I have therefore used this in the banner heading above, with the omission of the phrase 'in retrospect' as this does not describe an act of development, in place of the description on the application form.

### Main Issues

2. The main issues are
  - (i) the effect of the development on the character and appearance of the area, with particular regard to its effect on the Cefn Mawr Conservation Area and
  - (ii) the effects on the living conditions of neighbouring occupiers.

### Reasons

#### *Character and appearance*

3. The two appeal properties are stone dwellings attached to a larger and differently designed red-brick house to form part of a terrace of three properties. Occupying an elevated position above Hill Street at the front edge of the Cefn Mawr Conservation Area. Whilst I have not been provided with the 'Cefn Mawr Conservation Area Assessment', I saw that the properties share a similar scale and form, and palette of stone, and slate materials with other development stepping up the hillside behind them. The development comprises a timber fence to the rear boundary of the gardens and steps either side

leading down to a decked platform bounded by timber railings. Stairs lead down centrally from the platform to two pre-existing terraced areas to the rear of the appeal dwellings. The supporting construction is clad in timber.

4. Wrexham Unitary Development Plan (UDP) Policy GDP1 sets objectives for all development including that they ensure that their scale, design and layout, and their use of materials and landscaping, accord with the character of the site and make a positive contribution to the appearance of the nearby locality. Because of the relative topography and screening effects of buildings, the development is not visible from the street level immediately in front of the appeal dwellings. However, due to its elevated position and substantial form, it creates a bulky and visually prominent feature in views from the south. Towering above the roofs, it forms a conspicuous and alien feature which appears incongruous over the contained and rhythmic siting of properties dotted on the hillside. Its prominence is exacerbated by its timber construction which is a noticeable and unusual material at this scale amongst the characteristic palette of materials found locally. Accordingly, the development harms the character and appearance of the area and fails to preserve the character and appearance of the Conservation Area. It therefore conflicts with UDP Policy GDP1 and Policy PS 2 which states that development must not materially affect, amongst other things, townscape character. It also fails to comply with UDP Policy EC7 which prioritises the preservation and / or enhancement of the elements which contribute to the unique character of Conservation Areas.

#### *Living conditions*

5. Although my attention is drawn to the Council's Local Planning Guidance Note 20, I have not been provided with the relevant document and I am unable to use it in my assessment of the appeal. Whilst I acknowledge that overlooking would have been possible from the gardens previously, the appellant confirms that these areas were largely unusable before the decking was constructed. The appeal structure includes a substantial elevated platform from which extensive and prolonged views across neighbouring gardens are available. Views are also available towards habitable rooms in the dwelling at Preswylfa, and at closer quarters to windows at the rear and in the roof of Jasmine Cottage. Due to its excessive height, which is accentuated by its elevated position, the decking structure also has an intrusive and overbearing visual impact on the living conditions of neighbouring occupiers, particularly those at Jasmine Cottage where it runs along a substantial length of the boundary. I have taken into account the benefits of additional usable garden space and views afforded to occupiers of the appeal property as a result of the development, but these benefits do not outweigh the harm I have identified to neighbouring occupiers. The development therefore conflicts with Planning Policy Wales Edition 11 (PPW) which seeks to create and enhance sustainable places through placemaking, including considering the amenity impact of development on neighbouring properties and people.

#### **Conclusion**

1. For the above reasons and taking into account all other matters raised, the appeal is dismissed.
2. 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 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.

*Nia Jones* Inspector

