



Appeal Decision

by N Jones BA (Hons) MSc MRTPI

an Inspector appointed by the Welsh Ministers

Decision date: 04/04/2023

Appeal reference: CAS-02184-X3V7B5

Site address: 15 George Street, Chirk, Wrexham LL14 5HS

- 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 Robert Lomax against the decision of Wrexham County Borough Council.
 - The application Ref CHI P/2022/0004, dated 22 December 2021, was refused by notice dated 26 August 2022.
 - The development proposed is the erection of a dwelling and formation of a vehicular access.
 - A site visit was made on 21 March 2023.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. An alternative layout of rooms is shown on an amended drawing (No. 201 Revision A) submitted by the appellant as part of the appeal. However, I am unable to consider amendments made at the appeal stage, and my decision is therefore based on the plans that were subject to the Council's original decision.

Main Issues

3. The main issues are the effects of the proposal on the living conditions of the future occupiers of the proposal with particular regard to outlook, and the proposal's effect on the River Dee and Bala Lake Special Area of Conservation (SAC).

Reasons

Living conditions

4. 15 George Street is a semi-detached dwelling located alongside a road junction within an established residential estate. A new two-storey dwelling is proposed within part of its rear garden, access via a widened entrance to the side of the property. The proposal includes the creation of parking spaces to the front of the existing dwelling with associated access. The principle of the development and its design and general layout

are not in contention between the parties and from the evidence before me, and my observations during my site visit, I see no reason to reach a different conclusion.

5. Wrexham Unitary Development Plan (UDP) Policy GDP 1 sets development objectives for all new development, including ensuring, amongst other things, the amenity of the public. The Council's adopted Local Planning Guidance Note 21 'Space Around Dwellings' (LPGN 21) states that new houses should benefit from a satisfactory degree of privacy and daylight. The residents of existing houses should also not be unduly affected by the development.
6. The proposed dwelling would be located very close to the side and rear boundaries of the appeal property. The first-floor accommodation would include a study and bedroom which, in accordance with LPGN 21, would be habitable rooms. These rooms would have permanently obscure glazed windows which would be non-opening up to 1.8m above the floor level of the rooms. The proposal would not therefore provide a satisfactory outlook for future occupiers from these rooms.
7. I have considered the use of a condition to secure clear glazed openings in order to provide a suitable outlook for future occupiers of the appeal proposal. However, due to the proximity of the proposed dwelling to neighbouring properties, clear glazed openings would allow unrestricted views over neighbours' private garden areas, to the detriment of their living conditions.
8. Accordingly, the proposal would not provide an acceptable outlook from its first-floor study and bedroom windows and so would harm the living conditions of its future occupiers, contrary to UDP policy GDP 1 and LPGN 21 advice.

Effect on the SAC

9. The appeal site lies within the catchment of the River Dee and Bala Lake SAC, which is part of the higher tier of statutorily designated sites. Whilst UDP Policy EC6 states that developments close to sites of biodiversity interest will only be permitted where it can be clearly demonstrated that the need for the development outweighs the need to safeguard the intrinsic nature conservation value of the site, I am aware that the UDP is time expired. PPW contains more up to date policy advice and states at para. 6.4.11 that planning authorities must have regard to the relative significance of international, national, and local designations in considering the weight to be attached to nature conservation interests. It states that development should be refused where there are adverse impacts on the features for which a site has been designated (para. 6.4.14).
10. Natural Resources Wales (NRW) advises that activities such as the discharge of treated wastewater can elevate levels of phosphorus in rivers, the effects of which can cause significant ecological damage. NRW published the results of its Compliance Assessment of Welsh River Special Areas of Conservation against Phosphorus Targets in 2021 which showed that part of the SAC is currently failing to meet those targets.
11. The appellant proposes a system of chemical pre-treatment by means of a sewage treatment plant which would discharge into the public sewerage system. Circular 008/2018 'Planning requirement in respect of the use of private sewerage in new development, incorporating septic tanks and small sewage treatment plants' states that the first presumption must always be to provide a system of foul drainage discharging into a public sewer so as to avoid public health, amenity or environmental problems which could arise from the inappropriate use of private systems. Use of a sewage treatment plant in a sewered area would therefore be contrary to national planning policy advice. In addition, NRW advises that chemical pre-treatment to reduce phosphorus in wastewater discharging to a public sewer may adversely affect the hydraulic and

biological performance of the wider sewer system and treatment works. No specific details of the treatment proposed or demonstration that it would have no consequential effects has been provided.

12. It has not therefore been demonstrated that the development does not have the potential to be a source of additional phosphorus discharge which could lead to adverse impacts on the features for which the SAC has been designated, contrary to PPW.

Other Matters

13. I have taken into account the concerns raised by a neighbouring occupier regarding highway safety matters but note that the Highway Authority raised no objection to the proposal. From my own observations, I have no reason to disagree. The surrounding area is characterised by a mix of boundary treatments and whilst some hedges are shown as being retained, satisfactory boundary treatment could be secured by planning condition to ensure the proposal would harmonise with its surroundings.

Conclusion

14. For the above reasons and having regard to all other matters raised, I shall dismiss the appeal.
15. 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