



Penderfyniad ar yr Apêl

Ymweliad â safle a wnaed ar 23/12/22

gan Declan K Beggan BSc (Hons) MSc
DipTP DipMan MRTPI

Arolygydd a benodir gan Weinidogion
Cymru

Dyddiad:2023-01-10

Appeal Decision

Site visit made on 23/12/22

by Declan K Beggan BSc (Hons) MSc
DipTP DipMan MRTPI

an Inspector appointed by the Welsh
Ministers

Date:2023-01-10

Appeal Ref: CAS-02301-Y8X3K6

Site address: 9, Gardd Francis, Penycae, Wrexham, LL14 2LY

The Welsh Ministers have transferred the authority to decide this appeal to me as the appointed Inspector.

- 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 Mrs Sharon Vassell against the decision of Wrexham County Borough Council.
- The development proposed is the "retention of car port".

Decision

1. The appeal is dismissed.

Procedural Matters

2. I note the description of the proposal varies between that stated on the planning application form and the Council's decision notice; I have used the latter as it is more accurate and concise.
3. As described above, the development subject to this appeal is already in situ.

Main Issues

4. The main issues in this case are:
 - The effect of the proposed development on the character and appearance of the host property and the surrounding area; and,
 - The effect of the proposed development on the living conditions of nearby residents with particular reference to outlook, privacy and daylight.

Reasons

Character and Appearance

5. The development subject to this appeal is a double car port located in the front of a modern terraced dwelling that faces onto the adjacent road within a built-up area of the settlement of Penycae.

6. Contrary to the appellant's opinion, the development due to its overall height, scale, and position forward of the host dwelling, would appear as a visually dominant and discordant feature within the street scene where no such development exists at present; its prominence would draw the eye of the observer. The proposal would be at odds with the general character and appearance of the host property and the street scene due to its use of materials which do not match the host property or others nearby, and the fact that no other dwellings in the vicinity have such a structure located forward of the front elevation. Despite being flat roofed with open sides, nonetheless, for the reasons given above, the car port still appears as a visually prominent and overbearing structure that looks out of place to the area's prevailing character and appearance.
7. For the reasons given above, the development subject to this appeal would be detrimental to the character and appearance of the host property and the surrounding area, and as a result runs contrary to policies GDP1 and PS2 of the adopted Wrexham Unitary Development Plan (UDP) and Local Planning Guidance Note 20: House Extensions (LPGN 20) which both seek to safeguard visual amenity.

Living Conditions

8. The Council's second refusal reason refers to the development being detrimental to adjacent residential amenity due to loss of privacy and light and its overbearing nature; I disagree. In terms of impacts on privacy, the Council have given little information by way of harm caused. The domestic car port is an open sided structure that is unlikely to result in any material levels of noise in regard to residential privacy. Due to the car port's flat roofed open nature and distance/orientation away from principal windows of nearby properties and intervening boundary treatments, it is highly unlikely to result in a loss of light for occupants of those properties or appear overbearing in nature in terms of outlook or result in any claustrophobic effects. The car port would therefore not be detrimental to living conditions of nearby residents and as a result would not run contrary to policy GDP 1 of the UDP or LPGN 20 which collectively seek to protect amenity.

Other Matters

9. I note the car port was built to protect the appellant's cars from damage from a nearby tree, however this would not justify permitting the development or outweigh the harm identified.

Conclusions

10. After taking account of all the evidence before me and for the reasons given above, I consider the development to be retained is unacceptable and the appeal is dismissed.
11. In reaching my decision, I have taken account of 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 Ministers' well-being objectives as required by section 8 of the Act.

Declan K Beggan

Inspector