

PLANNING APPEAL

SECTION 78 OF THE 1990 ACT (AS AMENDED)

Land to the rear of
15 George Street
Chirk
LL14 5HS

“Erection of dwelling and formation of vehicular access”

WRITTEN REPRESENTATIONS STATEMENT ON BEHALF OF

Prepared for	Mr Robert Lomax
Prepared by	Aspect Property Consultants & Surveyors Ltd.
Date	31 August 2022
Our reference	1008
LPA reference	CHI P/2022/004
PINs reference	TBC

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1. INTRODUCTION

This appeal under Section 78 of the 1990 Act (as Amended) is made on behalf of Mr Robert Lomax against Wrexham County Borough Council's decision to refuse planning permission.

The Planning Application was submitted on the 02nd January 2022 and was deemed to be valid on 04th January 2022. The target determination date of the application was the 23rd March 2020 and the Council's decision was issued within time, on the 23rd March 2020. The Decision Notice is attached at Appendix 2 and the Officer's Report is attached at Appendix 3.

The Council's decision to refuse planning permission was based on the following reasons;

1. *By virtue of the proposed first floor habitable room windows (bedroom and study), facing north, having obscure glazed windows as the only source of outlook from these rooms, the design would result in a substandard level of residential accommodation. This would be to the detriment of the residential amenities of the future occupiers of the development by restriction of outlook contrary to policy GDPI of the Wrexham Unitary Development Plan and Local Planning Guidance Note No. 21 'Space around Dwellings'.*
2. *By virtue of the discharge of wastewater from the proposed development, adding phosphorus into the River Dee and Bala Lake Special Area of Conservation (SAC), the proposed development would have a significant detrimental effect upon the SAC, contrary to Policy EC6 of the Wrexham Unitary Development Plan, paragraph 6.4.18 of Planning Policy Wales, Future Wales and TAN5.*

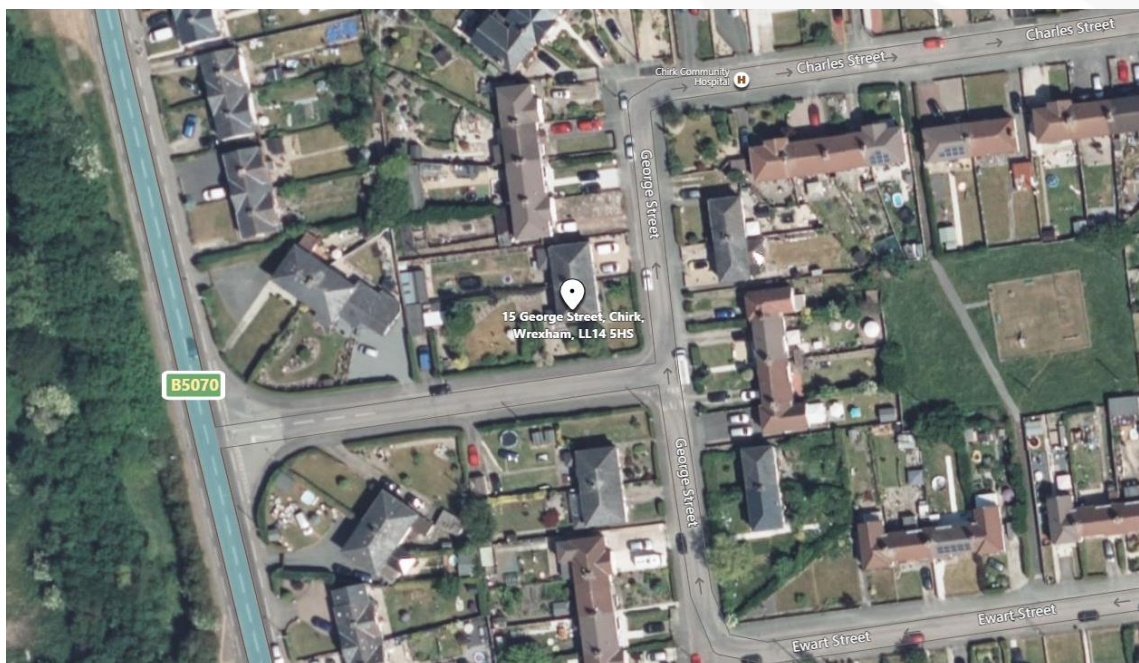
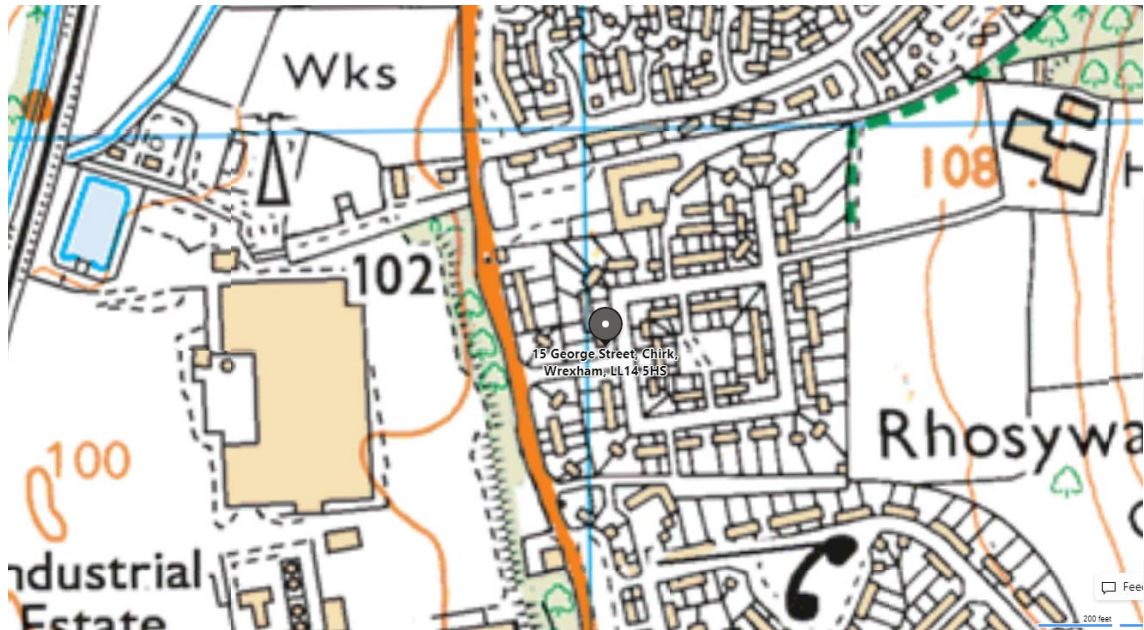
An officers report has not been seen.

Proposals to address the Council's concerns were put forward but were not considered. The Appellant refutes the conclusion of the Council outlined above and seeks to demonstrate that the development can be an appropriate form of development subject to minor adjustments, as detailed herein.

2. The Property and Surrounding Area

The appeal property comprises a residential plot containing an semi-detached dwelling on an established residential road. The existing dwelling is located on the West side of George Street on the junction with West View.

The area surrounding the property is predominantly residential and in close proximity to the Kronospan works to the West and Chirk Community Hospital to the East.



3. Planning History

We are not aware of any previous planning applications relating to this property.

4. Proposals

The proposals for which the applicant sought planning permission is for the sub-division of the existing host property garden and the erection of a new detached dwelling with off-street parking, pavement crossover and garden.

The proposed dwelling is a 2-storey rectangular shaped building measuring 6.7m in width and 8.5m depth and surmounted with a hipped roof. The dwelling would provide a kitchen / diner, utility room, living room and WC cloakroom on the ground floor, and two bedrooms, a study and a bathroom on the first floor. The total GIA of the proposed dwelling 92m².



5. Planning Considerations

5.1 Planning Policy

The relevant Development Plan comprises the Wrexham UDP, and more specifically UDP Policies H2, EC4, GDP1 and T8.

Other documents of relevance to the appeal are:

- National Planning Policy Framework
- Supplementary Planning Guidance

5.2 Matters not in dispute

Based upon the Pre-App feedback and the decision notice, it is understood that the principle of development is acceptable.

Matters relating to residential amenity, parking and highways, trees and ecology, refuse and recycling storage and collection are deemed to have been adequately addressed and are satisfactory to the council.

5.3

Disputed Issue

We respond to the councils reasons for refusal in turn below.

Reason 1:

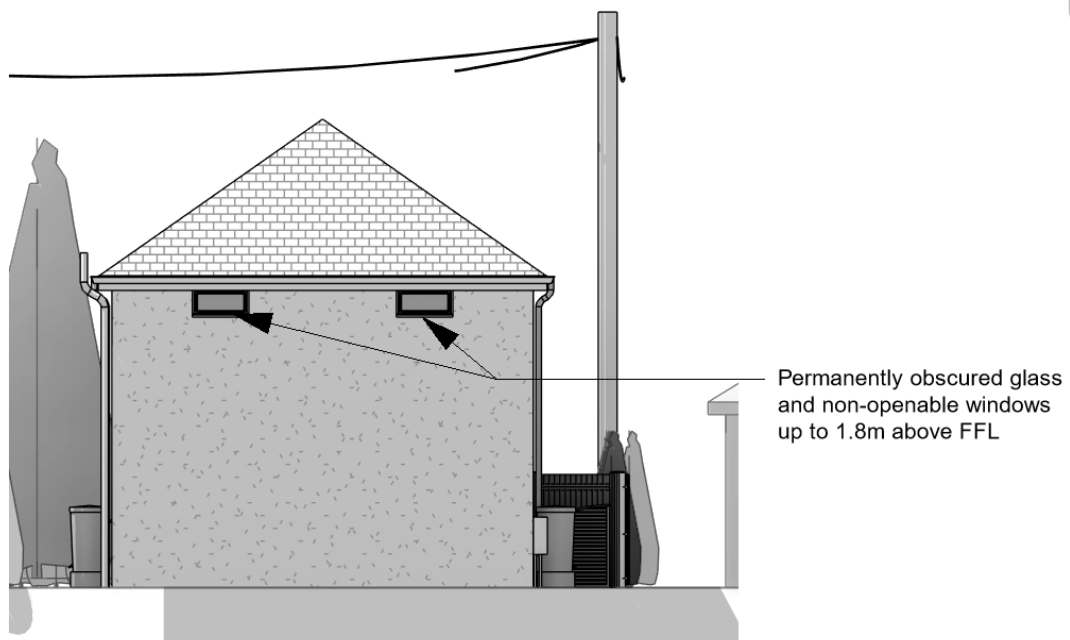
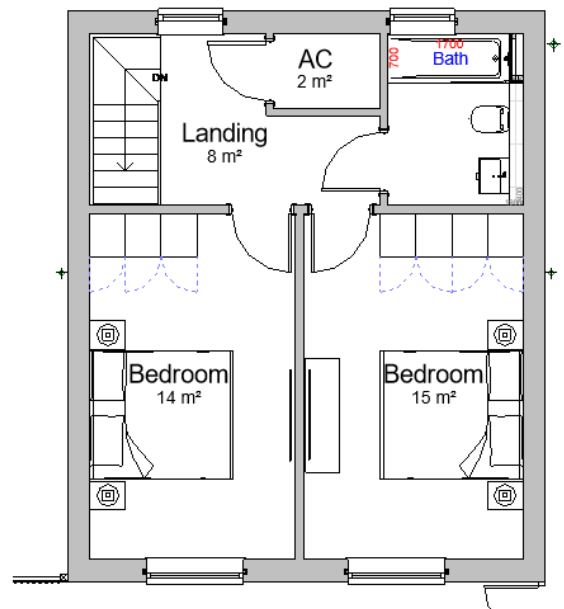
By virtue of the proposed first floor habitable room windows (bedroom and study), facing north, having obscure glazed windows as the only source of outlook from these rooms, the design would result in a substandard level of residential accommodation. This would be to the detriment of the residential amenities of the future occupiers of the development by restriction of outlook contrary to policy GDP1 of the Wrexham Unitary Development Plan and Local Planning Guidance Note No. 21 'Space around Dwellings'.

Response to reason 1:

As was put to the council but not considered, the first floor accommodation could be reconfigured such that the habitable rooms are relocated to the front of the property, with the landing and bathroom to the rear.

The landing and bathroom could have high level non-openable windows with obscured glass just to provide daylight to these rooms, but without causing issues of overlooking and loss of privacy.

The submitted revised plans show this reconfigured layout.



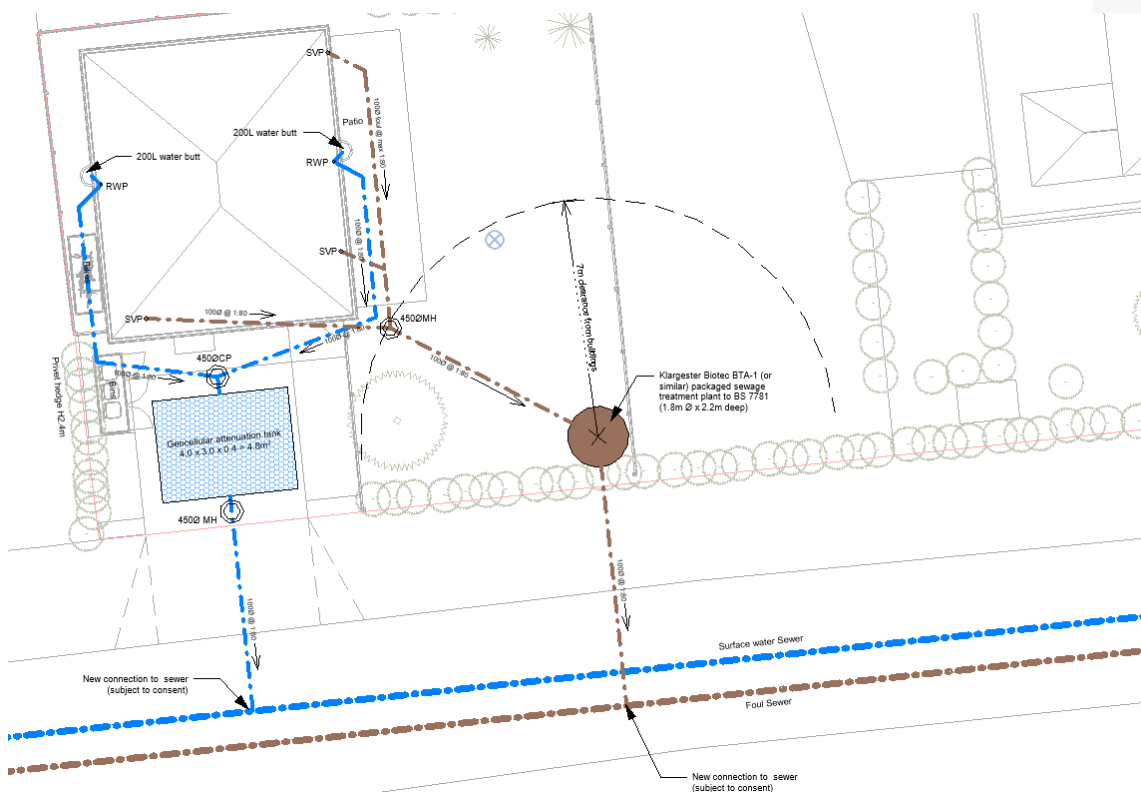
Reason 2:

By virtue of the discharge of wastewater from the proposed development, adding phosphorus into the River Dee and Bala Lake Special Area of Conservation (SAC), the proposed development would have a significant detrimental effect upon the SAC, contrary to Policy EC6 of the Wrexham Unitary Development Plan, paragraph 6.4.18 of Planning Policy Wales, Future Wales and TAN5.

Response to reason 2:

It is proposed that a private packaged Sewage Treatment Plant (STP) to BS 7781 would be installed to pre-treat to remove phosphorus before discharging into the public foul sewer.

The STP can be sited within the garden of the proposed dwelling but positioned at least 7m away from any buildings. Additionally, the STP will be positioned for ease of future emptying and maintenance from the highway.



Additionally, whilst not one of the reasons for rejecting the application, we are proposing the use of rainwater harvesting butts connected to each downpipe before discharging into a 4.8m³ geocellular attenuation tank before discharging into the public surface water sewer.

6. CONCLUSION

The argument set out within this statement of Appeal deals with why it is the belief of the appellant that the proposal in this instance is appropriate development that would provide good quality housing without detriment to the neighbouring houses or the environment.

For the reasons set out above the scheme is considered to comply with policies in the development plan and the goals set out by the NPPF.

We trust that we have illustrated to the Inspector the reasons for which the proposal is an appropriate form of development.

On the basis of the evidence set out within this statement, we trust the Inspector will be able to agree with the merits of this scheme and allow this appeal.

APPENDICES

Appendix 1 - Original application form (inc ownership certificate)

Appendix 2 - LPA's decision notice

Appendix 3 – Natural Resources Wales Consultation Response

Appendix 4 – Pre-App response

Appendix 5 – Original drawings (inc site plan)

Appendix 6 – Original Design and Access Statement

Appendix 7 – Revised drawings (inc site plan)

Appendix 8 - Photographs of the Appeal Site



ASPECT
CONSULTANTS