



Penderfyniad ar yr Apêl

Ymweliad â safle a wnaed ar 07/06/22

gan **C MacFarlane BSc(Hons) MSc MRTPI**

Arolygydd a benodir gan Weinidogion Cymru

Dyddiad: 01.08.2022

Appeal Decision

Site visit made on 07/06/22

by **C MacFarlane BSc(Hons) MSc MRTPI**

an Inspector appointed by the Welsh Ministers

Date: 01.08.2022

Appeal Ref: CAS-01593-X7N2G3

Site address: High Ridge, Oak Alyn Court, Cefn y Bedd, Wrexham LL12 9YT

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 Mr Imran Ashiq against the decision of Wrexham County Borough Council.
 - The development proposed is balcony and decking area.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. I observed during my site visit that the proposal is under construction, with the balcony and much of the decking platform being in place, along with some fencing to its southern edge. I have therefore determined the appeal as partly retrospective.

Main Issue

3. The main issue is the effect of the proposed development on i) the living conditions of neighbouring occupiers, with regard to overlooking, and ii) the character and appearance of the surrounding area.

Reasons

Living conditions

4. The appeal site consists of a detached dwelling and garden area bordered by the neighbouring properties, 'Three Gables' and 'Fir Park'. The ground level of the site falls away from the dwelling towards the rear boundary, with the adjoining rear garden of 'Ty Perllan' being sited at a lower level.
5. Due to its elevated position, angled design and projection beyond the dwelling's rear elevation, the balcony allows for extensive and unimpeded views of the majority of the

rear garden areas of the three adjacent dwellings. The views towards 'Fir Park' are at particularly close-range given the proximity of the balcony to the shared boundary.

6. Although an existing Juliet balcony elsewhere on the rear elevation already allows for views of the neighbouring rear gardens, this is located further away from the boundaries with 'Fir Park' and 'Ty Perllan'. Moreover, the proposed balcony is substantially greater in width and depth than the Juliet balcony, and of sufficient size to enable several occupiers to sit outside for prolonged periods of time, allowing for a significant increase in both the range and duration of any views. Views from the platform on the side elevation of the dwelling are restricted due to its recessed position further back from the rear boundary, with views towards 'Three Gables' being obscured by the appeal dwelling, and 'Fir Park' partially obscuring views of its garden. The sloping topography and greater separation distance also reduces views towards the garden of 'Ty Perllan'. As such, the proposed balcony would result in a significantly greater level of overlooking than currently exists. Furthermore, the substantial projection of the decking area from the dwelling towards the rear boundary, and its raised position above the existing ground level, allows for further close-range views down into the garden of 'Ty Perllan' to be achieved.
7. I note the appellant's willingness to accept a planning condition requiring an obscure glazed privacy screen to the balcony, and the suggestions of how this may be achieved. However, given the angled design and wide views achievable from the balcony, the extent of a screen sufficient to overcome any harmful overlooking may be considerable, such that it would be a significant alteration to the scheme before me and may give rise to other impacts that should be properly considered by the Council and neighbouring occupiers. I therefore do not consider the use of a planning condition to be an appropriate approach in this instance.
8. Whilst some intervisibility may be expected in residential areas, in this instance the degree of overlooking would be significant and result in substantially reduced privacy for neighbouring occupiers whilst using their gardens. I acknowledge that there are examples of balconies in the surrounding area and elsewhere in the county, which the Council have considered acceptable. However, there are differences regarding relationship to adjoining properties, separation distances and siting, which mean the examples highlighted are not directly comparable. In any event, in the individual circumstances of this case, the proposal results in unacceptable living conditions and the existence of other balconies does not justify this harm.
9. In conclusion, the proposal causes significant harm to the living conditions of neighbouring occupiers, with regard to overlooking, and fails to comply with Policy GDP1 of the Wrexham Unitary Development Plan (UDP), specifically criterion f), which states that all new development should ensure the amenity of the public.

Character and appearance

10. The boundary treatments to the rear of the surrounding dwellings are typified by hedgerows, shrubs and timber panel fencing, which gives a pleasant soft-landscaped character.
11. The proposal includes varying lengths of fencing along both side boundaries of the site, part of which is to be placed on the decking area. Due to the height of the fencing in combination with the raised nature of the decking platform, it would project substantially above ground level and the existing boundary treatments. Along with its considerable length and close-boarded composite design, this would result in a large, obtrusive and incongruous feature that is at odds with the prevailing character.

12. I therefore conclude that the proposal would cause significant harm to the character and appearance of the surrounding area and fails to comply with UDP Policy GDP1, specifically criterion a), which states that all new development should accord with the character of the site and make a positive contribution to the appearance of the nearby locality.

Conclusion

13. For the reasons given above, the appeal is dismissed.

14. In reaching my decision, I have considered the duty to improve the economic, social, environmental and cultural well-being of Wales, in accordance with the sustainable development principle, under section 3 of the Well-Being of Future Generations (Wales) Act 2015 (WBFG Act). I have taken into account the ways of working set out at section 5 of the WBFG Act and consider that this decision is in accordance with the sustainable development principle through its contribution towards one or more of the Welsh Ministers well-being objectives, as required by section 8 of the WBFG Act.

Claire MacFarlane

INSPECTOR