



Penderfyniad ar yr Apêl

Ymweliad â safle a wnaed ar 21 Chwefror 2022

gan Nia Jones, BA (Hons) MSc MRTPI

Arolygydd a benodir gan Weinidogion Cymru

Dyddiad: 24.03.22

Appeal Decision

Site visit made on 21 February 2022

by Nia Jones, BA (Hons) MSc MRTPI

an Inspector appointed by the Welsh Ministers

Date: 24.03.22

Appeal Ref: CAS-01485-M5L9N0

Site address: 3 The Gardens, Holt, Wrexham LL13 9JW

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 Olga Greyling against the decision of Wrexham County Borough Council.
 - The development is an outbuilding, front porch, wall, boundary fence and pergola.
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Decision

1. The appeal is allowed and planning permission is granted for an outbuilding, front porch, wall, boundary fence and pergola at 3 The Gardens, Holt, Wrexham, LL13 9JW, in accordance with the terms of the application reference HOL P/2020/0870 dated 14 December 2020, subject to the conditions in the attached Annex.

Procedural Matter

2. The application form describes the development as a retrospective application for Outbuilding, Front Porch and wall but a more comprehensive description was applied by the Council, as contained in the banner heading above and used by the appellant on the appeal form. The development was in situ at the time of my site visit.

Application for Costs

3. An application for costs was made by Olga Greyling against Wrexham County Borough Council. This application is the subject of a separate Decision.

Main Issue

4. The main issue is the effect of the development on the character and appearance of the area, with particular regard to its effects on the Holt Conservation Area.

Reasons

5. The appeal site is an end of terrace property facing onto Church Street, located on a prominent corner plot and set perpendicular to the main terrace which faces onto the tree-lined Church Green. It is slightly elevated above the road and, with No 10 The Gardens, forms a symmetrical gabled bookend to the terrace when viewed from Church Green. Given its position and orientation on the end of the terrace, it has garden areas to its front and sides but has no rear garden area. It is located in a varied and pleasant principally residential setting and finished in red brick which is the dominant material in the locality. The site forms part of the wider Holt Conservation Area where the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that in the exercise of planning functions, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of the designation.
6. The porch is centrally placed on the dwelling's front elevation, using matching external materials, and maintaining the symmetry of its frontage. Although slightly larger than other porches in the locality, it is set well back from the road and respects the form and proportions of the host dwelling. The proposal complements the variation in porch styles in the immediate context whilst also maintaining a consistent form and identity with the host dwelling.
7. The wooden pergola projects towards Church Street but although located on the front elevation of the dwelling, given its lightweight and open construction, it does not obstruct the visual cohesion of the dwelling with the wider streetscene. It is extensively screened by the existing boundary hedge as well as the trees lining the edge of Church Green in views from the direction of the village of Farndon.
8. The internal garden wall on the southern edge of the existing patio area does not project further towards Church Street than the pergola. Its height does not exceed the existing rear boundary wall with No 4 The Gardens (No 4) or the southern boundary of the site with the adjoining footpath. Being wholly contained within the site, it is not prominent from external views.
9. Given the relative site levels, the top of the fence retains a level with the cill of the dwelling's bay window facing Church Green when viewed from the north. This reflects the height of gate pillars and the internal boundary hedges at The Gardens, maintaining a consistent height along the entire frontage of the terrace. Although only about a metre in height internally, the fence, when viewed externally, is surmounted on top of the existing wall and due to its light colouring, although partially obscured by trees, is noticeable across Church Green and from the direction of Farndon. However, this is only for its short length fronting Church Green and I am satisfied that a condition requiring that the fence is finished in a suitable colour would assist in integrating it with its surroundings.
10. The outbuilding is located on the southern boundary of the garden, facing north, and sited forward of the dwelling's principal elevation. Nonetheless. It sits in a spacious plot in the context of an irregular building line along this part of Church Street. The majority of the outbuilding is also screened by the existing hedge, the retention of which could be secured by a planning condition.
11. I conclude that the development does not harm the character and appearance of the area and it preserves the character and appearance of the Conservation Area. It therefore complies with Wrexham Unitary Development Plan (UDP) Policy GDP1 which 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. It also complies with UDP Policy EC7 which prioritises the preservation and / or enhancement of the elements which contribute to the unique character of Conservation Areas and which requires new buildings and alterations and additions to existing buildings within such designations to reflect the design and character of the area as a whole and the form, scale, detailing and materials of existing buildings.

Other Matters

12. The Holt Community Council has raised concerns regarding the potential use of the outbuilding as a home office generating additional traffic to the site and harming highway safety due to insufficient parking availability in the immediate locality. I am satisfied from the evidence that the outbuilding is for a use incidental to the enjoyment of the dwelling and, as such, it is unlikely that any significant additional traffic would be generated.
13. The fence forms a shared boundary to the side of No 4's front garden but given its height and position, does not cause unacceptable impacts on the living conditions of its occupiers. The outbuilding faces into the appeal site and is well screened at its rear so has no unacceptable impacts on the living conditions of the occupiers of No 2. The pergola and wall are located above and alongside an existing patio area and so do not increase current impacts generated by the existing use of this part of the garden.

Conditions

14. The Council has suggested conditions which I have considered in the light of Circular 016/2014 The Use of Planning Conditions for Development Management ('the Circular') and have amended wording where necessary for clarity. Given the nature of the outbuilding incidental to the use of the dwelling, a condition limiting such use is unnecessary as any material change of use would require separate planning permission. As set out in my decision, I have attached a condition requiring a scheme for the delivery of an acceptable colour treatment of the boundary fence to ensure it integrates with its surroundings, including the designated Conservation Area. For similar reasons, a condition is also required to retain the existing hedge to screen part of the proposal.

Conclusions

15. For the above reasons and having regard to all other matters raised, the appeal is allowed.
16. 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

Annex attached to Appeal Decision CAS-01485-M5L9N0: Schedule of Conditions

1. Within 3 months of the date of this permission, a painting or external colour treatment scheme for the timber fence located on the northern and western boundaries of the site, including a timetable for completion of the works, shall be submitted to and approved in writing by the Local Planning Authority. The outbuilding and fence shall thereafter be retained in the approved form for as long as the development continues.

Reason: To ensure the integration of the development with its surroundings in accordance with Wrexham Unitary Development Plan Policy GDP1 and EC7.

2. The existing hedge along the north-eastern, eastern and southern boundaries of the site shall be permanently retained at a height no lower than 1.5 metres above the height of the internal garden level adjoining it. If any part of the hedge dies or becomes diseased, a scheme for its replacement, including a timetable for the works, shall be submitted to and approved in writing by the local planning authority within 1 month of such an occurrence.

Reason: To ensure the integration of the development with its surroundings in accordance with Wrexham Unitary Development Plan Policy GDP1 and EC7.