



**Bob Dewey
PLANNING**

**GROUND OF APPEAL
PROPOSED DWELLING
CHURCH ROAD, OVERTON, WREXHAM**

GROUND OF APPEAL

There are two lines of approach which we would respectfully suggest the inspector should consider.

First approach: planning permission was granted in November 1994 by the Secretary of State for Wales, entirely in accordance with the recommendation of his appeal inspector. The Council also had resolved that it had no problems with the layout of the site – the only issue was the access visibility.

The permission granted by the SofS allowed for three dwellings and conditions required that reserved matters were to be submitted within 3 years and development started within five years. Reserved matters for one of the three properties were submitted and approved and that dwelling is now known as Skeabost, 6 Church Road. It is occupied by the appellant. Accordingly it can be confirmed that development did start within the stipulated five year period.

Unfortunately, details of the second and third dwellings were not approved and thus it is now too late to make such an application now. However as the original outline remains valid, permission for the second dwelling remains valid although currently unimplementable.

The inspector is asked to recognise this and had this current application been made to amend condition 1b to allow the period for submission of reserved matters, the development could have proceeded.

Accordingly, it appears to us that the only question that the decision maker should then have had to consider is whether any significant changes had occurred in the village since that time. We cannot see any significant changes have occurred in the area which would make the appeal decision no longer appropriate.

Second alternative approach – if the inspector is not persuaded by the above argument – i.e. whether or not the reasons given for the refusal of planning permission are appropriate.

Reason one states that

The development would give rise to increased traffic that would prove harmful to the standard of amenity afforded to the occupiers of No 5 Church Road and Skeabost,

No 6 Church Road. The proposal would conflict with Policy GPD1 (f) of the Wrexham Unitary Development Plan.

This point has previously been considered and the SofS previously rejected this as an issue. Indeed he accepted that two additional dwellings could be served off the driveway. There are plenty of examples in the village and surrounding areas where a private drive is considered acceptable to serve up to 4 or 5 dwellings and that the shared usage does not cause any issues.

In this context any disturbance which maybe anticipated ought to be measured taking account of the existing traffic inevitably seen along the track and also the road to the cemetery

Reason 2

2. Due to the limited width of the private drive serving the site and restricted visibility onto Church Road, the development will prove detrimental to highway safety, thus conflicting with policy GDP1(d) of the Wrexham Unitary Development Plan.

The width and visibility is unchanged from that applying at the time of the pervious SofS decision. The appellant is in discussions with the owner of 5 Church Road to effect minor improvements to visibility for the appeal site and for number 5 itself. Over the years since the previous appeal decision, government advice has generally reflected a relaxation of standards and the Council seems unwilling to recognise that in the village context, the visibility available (previously agreed for two further dwellings) is quite adequate to serve one additional property.

Reason 3

3. The development is likely to increase phosphate levels in the River Dee and Bala Lake Special Area of Conservation (SAC) and therefore has the potential to have a damaging effect on the SAC. The proposals therefore conflict with policy EC6 of the Wrexham Unitary Development Plan

It is sincerely hoped that by the time the appeal is determined, the discussions between Wrexham and Flintshire Councils and NRW wil have produced a solution which overcomes the present difficulty. Certainly by the time a dwelling is ready for detailed approval and for construction, the matter must have been resolved. If this matter becomes to sole reason for objecting to development, The inspector can resolve it by means of a Grampian style condition.

This matter was considered at some length in the appeal decision. The conclusion was that despite any perceived imperfections, the arrangements were acceptable for three new dwellings. Permission was granted subject to the following condition:

3. The proposed private drive shall have a minimum carriageway width of 4.1 m and shall be surfaced in impervious material prior to occupation of any of the dwellings hereby approved.

On that basis, a development of one extra dwelling (i.e. two rather than the three approved) should not raise any insuperable issues.

Detailed analysis of Council's highway observations:

To the south, towards the A539 junction, the highway officer expressed concerns over limited visibility. Using a setback distance of 2.4m it is accepted that visibility is below recommended standard in a southerly direction to the nearside edge of the carriageway.

However, when one uses a 2m setback visibility at the access is radically improved to the point that it is possible to see to the centre line of the highway some 28m away. The junction of Church Road and A539 is only 57m away and it is considered to be highly unlikely that any vehicle will be overtaking at this point; it is therefore reasonable to accept a relaxation to the centre line of the highway. Speed of traffic is likely to be quite low due to the proximity and the geometric layout of the Church Road junction with the A539. The likelihood of any vehicle at this point travelling above 20 mph is very low due to them having just negotiated a crossroads junction at A539/ A528/ Church Road. The recommended visibility for a 20-mph speed limit is just 25m which is achievable from a 2m setback.

The use of a 2m setback is fully supported by Welsh Office guidance Manual for Streets which says:

"A minimum X distance of 2m may be considered in some slow speed situations when flows on the minor arm are low, but using this value will mean the front of some vehicles will protrude slightly into the running carriageway of the major arm, and many drivers will cautiously nose out into traffic. The ability of drivers and cyclists to see this overhang from a reasonable distance and to manoeuvre around it without undue difficulty should be considered"

CONCLUSION

The text of the UDP supporting policy H2 confirms that developments within settlement limits contributes to "the economic use of land and avoids pressure on the countryside and serves to remove the detrimental effect of neglected land within the settlement limits."

There are numerous examples of small residential developments served off short roads pushed thorough between existing properties. A classic example is the recently approved development at Yew Tree Court off Willow Street.

The inspector is respectfully asked to use her/ his absolute discretion and allow this appeal.

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