
Penderfyniad ar yr Apêl

Ymweliad â safle a wnaed ar 2 Tachwedd 2021

gan N Jones BA (Hons) MSc MRTPI

Arolygydd a benodir gan Weinidogion Cymru

Dyddiad: 06/01/2022

Appeal Decision

Site visit made on 2 November 2021

By N Jones BA (Hons) MSc MRTPI

an Inspector appointed by the Welsh Ministers

Date: 06/01/2022

Appeal Ref: APP/H6955/A/21/3281507

Site address: Land at Quarry Brow, Gresford, Wrexham, LL12 8SG.

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 L Clark against the decision of Wrexham County Borough Council.
 - The development proposed is new single dwelling.
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Decision

1. The appeal is dismissed.

Application for Costs

2. An application for costs was made by Mrs L Clark against Wrexham County Borough Council. This application is the subject of a separate Decision.

Main Issues

3. The main issues are the effects of the proposal on the character and appearance of the area and on the living conditions of neighbouring occupiers.

Reasons

4. The appeal site is a vacant grassed area partly bordered by a mature hedge opening onto a shared drive. It is located near the entrance to Quarry Brow, a cul-de-sac comprised of individually designed but consistently detailed dwellings separated from the estate road by low boundary walls and hedges. The access into Quarry Brow from Pant Lane is open and spacious with the amenity land to the east providing an expansive village feel of properties of a mixed scale and size predominantly finished in red brick and tile but with those immediately adjacent the site being finished in render and slate.

5. The appeal site is within a settlement where Policy H2 of the Wrexham Unitary Development Plan (UDP) permits residential development subject to compliance with UDP Policy GDP1. Amongst other things, this seeks to ensure that all new development accords with the character of the site and makes a positive contribution to the appearance of the nearby locality in terms of a number of factors including its design, scale, layout and use of materials. Local Planning Guidance Note 30 Design (LPGN 30) also provides a detailed design checklist with the overall objective of encouraging good design. By itself, the proposed dwelling would be modest and of a proportionate scale that would be similar in orientation to surrounding development. Although more contemporary in its overall form, it would reflect the principal design elements in the locality as well as finishing materials in its immediate context. Nevertheless, after allowing for the shared driveway, the plot would have a restricted site area with the proposal spanning almost the entire width of the site. In particular, the large flank elevation of the porch, which lacks visual interest, would be contiguous with the southern edge of the shared driveway whilst the north-eastern corner of the dwelling would only be some half a metre from the carriageway edge. Although the site plan shows a larger separation between the proposal and its southern existing hedge boundary, the impression from Quarry Brow would be of a dwelling wedged into the available width. My attention is drawn to a small number of other dwellings in the locality with a tight plot / built ratio. However, these are contained within a distinct group of more densely planned houses and are set more comfortably off the highway. The context of the housing layout in that particular location is different and the houses therefore do not have the same prominence as the appeal proposal which would appear as a noticeably cramped form of development at odds with the open and spacious nature of its surroundings. Although there are concerns about how garden space for the proposal has been calculated, I saw that the area to the west of the proposed dwelling would provide a reasonable garden area in excess of the 50m² stipulated as a minimum in Local Planning Guidance Note 21 (LPGN 21). Even so, this does not alter my findings in respect of the visual impact of the development.
6. UDP Policy GDP1 also seeks to safeguard the amenity of the public. In terms of the relationship with surrounding properties, in particular Wood Cottage, Pant Cottage and The Sycamores, there is little dispute that the proposed window to window distances are below the standards expected in LPGN 21 which aims to ensure that residents enjoy a reasonable degree of privacy in and around their homes. I note that the design objectives of the proposal have sought to overcome these constraints and I have taken into account the particular circumstances of the appeal site, and of its surroundings. Wood Cottage lies on the opposite side of Quarry Bank but within close proximity to the proposed house which would have first floor bedroom windows facing towards it, albeit at an angle. The proposed dwelling also faces more directly towards the principal frontage of Pant Cottage and would contain a first floor living room window on this elevation. I observed that the rear elevation of Wood Cottage and the front curtilage of Pant Cottage are visible to passers-by and drivers. However such views would be cursory, and fleeting in the case of drivers concentrating on the road whereas the first floor windows would be elevated and fixed allowing for more commanding and invasive views. The appellant is agreeable to partial or full obscure glazing but given the proximities, this would not remove the perception of being overlooked for the occupants concerned. It would also result in an austere appearance to the proposed dwelling which would be dominated by obscure glazing on the prominent roadside elevations.
7. At its closest, the proposed roof terrace would be within approximately 2 metres of the boundary with The Sycamores. Although it would be enclosed by a 1.8m obscure glazed screen, it would be an elevated and visually dominant feature. Its function as an outside roof terrace would be readily apparent to the occupiers of The Sycamores resulting in a

significant perception of loss of privacy. Moreover, given its scale and location off a principal living area, the terrace would be likely to be used frequently especially during the summer months. Owing to the proximities, I consider that noise emanating from the terrace would be audible to the neighbouring occupiers, which might not amount to harm in itself, but would exacerbate the intrusiveness of the development.

8. Taking all of the above into consideration, I conclude that the proposal would be harmful to the character and appearance of the area and the living conditions of neighbouring occupiers. It would therefore conflict with Policies H2 and GDP1 of the UDP and the objectives of LPGN 21 and 30.

Other Matters

9. I note the concerns raised by interested parties regarding accessibility and manoeuvrability at the shared access drive, exacerbated by the proposed electric gates. Taking into account low volumes and speed of traffic in the locality however, I do not consider that the addition of one dwelling would lead to any significant harm in terms of highway safety. Matters raised in relation to rights of way and land-ownership in general are civil matters between the parties and have limited weight in determining the appeal. I am satisfied that the development as proposed would suitably safeguard the existing retained tree and hedges through the proposed method of construction. Matters related to site drainage and the proximity to existing septic tanks are governed by other legislation. I have taken into account the sustainability credentials of the proposed development and its contribution to the mix of housing stock locally together with the appellant's desire to return to her native village to a home adaptable to her future needs, but they do not outweigh the harm to the character and appearance of the area and the living conditions of neighbouring occupiers identified above.
10. The development is recognised as potentially capable of increasing the levels of phosphates discharged into the catchment of the River Dee and Bala Lake Riverine Special Area of Conservation (SAC). The evidence suggests that foul waste water would drain to a public waste water treatment works which has a phosphate consent. However, in this instance, I have not sought the views of the parties or Natural Resources Wales to inform a screening as to whether there would be a likely significant effect on the qualifying features of any SAC as I have found the development unacceptable on other grounds. Even should the development be acceptable in regard to its effect on the SAC this would not outweigh my conclusions on the main issues.

Conclusion

11. 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 principle through contribution towards or more of the Welsh Minister's wellbeing objectives as required by section 8 of the Act.
12. For the above reasons and having regard to all matters raised, the appeal is dismissed.

Nia Jones

Inspector

