



**Bob Dewey
PLANNING**

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

GROUND OFS 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 relates to

1. The development would give rise to an unacceptable form of tandem development that is at odds with the general pattern and character of development of the area, as well as giving 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 (a) and (f) of the Wrexham Unitary Development Plan.

At the time of that decision, the Council were guided by PPG3 (covering Wales and England) which raised concerns about tandem development. Despite that, permission was recommended and agreed by the Planning Committee (subject to dealing with access visibility). Any possible adverse affects from traffic and amenity to the three dwellings was deemed acceptable.

The most modern guidance in Planning Policy Wales 11 has explicitly removed any reference to tandem development so it is presumably clearly felt no longer to be an issue in Wales.

If there are to be concerns in this regard, the two properties which might be affected (ie 5 Church Road and Skeabost have no habitable rooms windows facing the driveway. He impact would therefore be very minimal and might usefully add to the natural surveillance for those properties. In the case of Skeabost, that is the property occupied by the appellant. In both cases any impact would have been significantly greater with the scheme as approved previously by the Council. Any impact by vehicles accessing the cemetery would mean that the properties cannot have any expectation of a totally silent approach.

The second reason is:

2. Insufficient information has been submitted to adequately assess the impact of the development on trees present on the site and within influencing distance of the proposal. The development would conflict with UDP Policy EC4.

The application included a tree report which the appellant truly believed dealt with this matter. The Authority made no attempt to explain what was needed before making the decision. Had they done so, the report could have bene commissioned before the decision was made.

A report has now been commissioned and is now included in the appeal documents.

Reason 3 is

3. There is restricted visibility at the proposed access on to Church Road, resulting in unsafe means of vehicular access onto the highway. The proposal would fail to comply with UDP Policy GDP1 (d).

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.

Without any evidence that the situation on the highway has deteriorated since, approval for two dwellings to use the access should be agreed. Indeed the arrangements associated with the (recently approved) revised access to number 5 make provision and protection of safe visibility a necessary feature for occupiers of that property,. As a result the same (or, in practice, marginally better) visibility would be available to the appeal site.

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."

The reason for refusal mentions the development being at “odds with the general pattern and character of the area”. It is not clear why the Council considers that the area is different from the situation in 1994. 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.

So, there never seems to have been any previous concern re “tandem” development nor the relationship to the general pattern of development in the village. It is not clear why those issues should now be introduced – especially as National guidance no longer refers to the issue.

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

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5th September 2021 V7