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TOWN AND COUNTRY PLANNING ACT 1990 SECTION 78 APPEAL
Land at Quarry Brow , Gresford , Wrexham , LL12 8SG

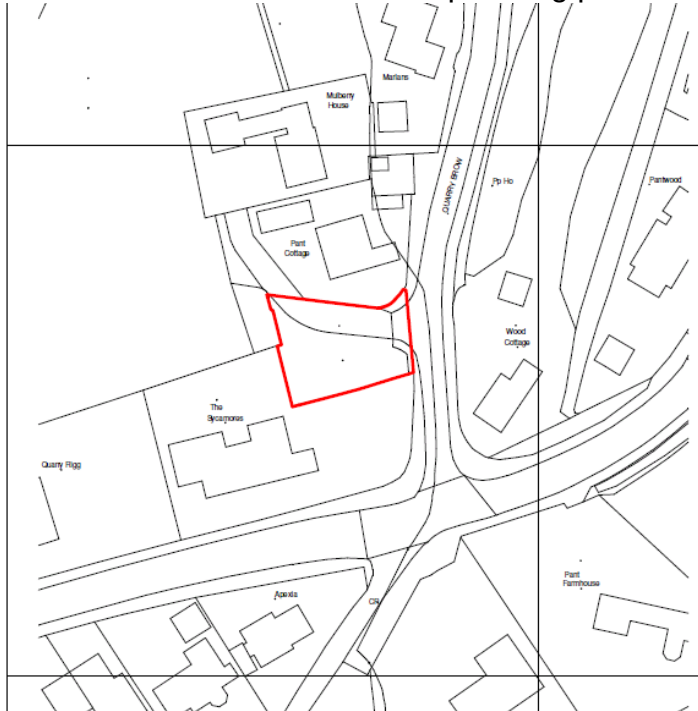
COUNCIL'S STATEMENT OF CASE

PLANNING REF: P/2021/0890

PINS REF: APP/H6955/A/21/3281507

1.0 THE SITE

- 1.1 The site consists of an area of 412m² on the west side of Quarry Brow and close to Pant Lane. The application site shown on the submitted plan contains the access serving Pant Cottage and Mulberry House including the bellmouth and footways, and so the developable area of land consists of an area of grass and hardstanding of 261m².
- 1.2 There is a mature hedge on the south and west sides of the site, extending into the application site by at least 1 metre.
- 1.3 Unsightly blue construction fencing has been erected around the site without the benefit of planning permission.

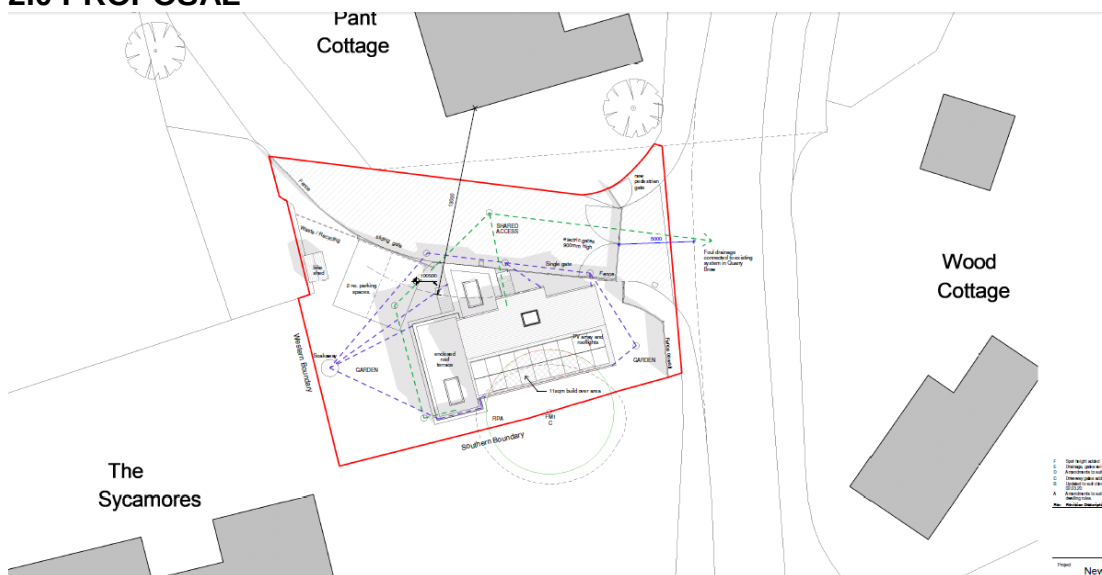




Photos taken January 2020 prior to construction of blue fencing



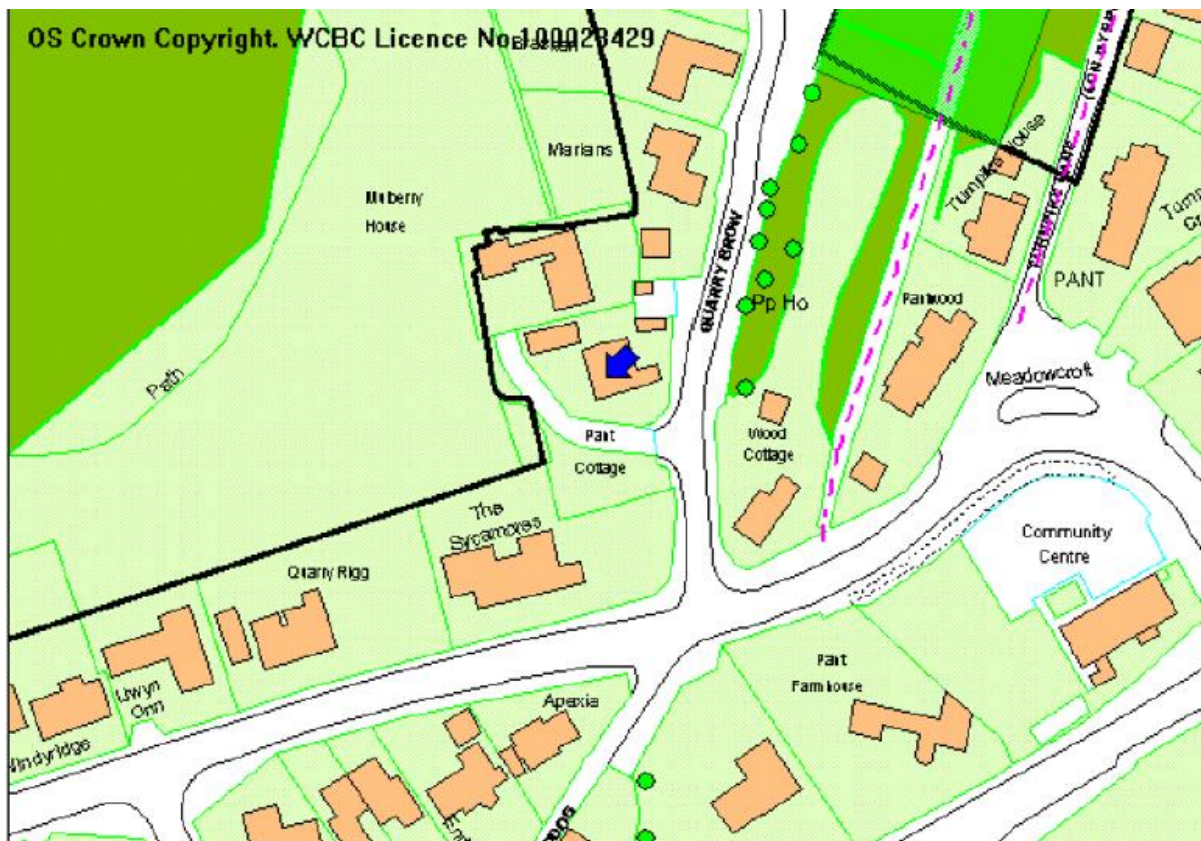
2.0 PROPOSAL



2.1 The application description set out in the appellant's statement of case is agreed, with the exception that the useable private garden space is about 75m², as the areas shown as garden to the east and south of the dwelling are not considered to be useable private garden space under the criteria of Local Planning Guidance note 21.

3.0 LOCAL PLANNING POLICY

3.1 The site is within the settlement limits for Marford and Gresford as set out in the Wrexham Unitary Development Plan, adopted 2005. The settlement boundary is shown in black on the plan below, and in appendix B.



3.2 The following policies of the UPD are applicable:

PS1 Settlement Limits

PS2 Development and the environment

PS11 Biodiversity

GDP1 general development principles

H2 Residential development within settlements

EC4 Trees hedgerows and woodlands

EC6 Biodiversity

EC13 Surface water run-off

T8 Parking

3.2 The following supplementary planning guidance is also applicable:

16 Parking 17 Trees 21 Space around dwellings 30 Residential design 32

Biodiversity.

4.0 THE APPLICATION

4.1 A pre application enquiry was made and the following points were made by the Local Planning Authority:

The site is within the settlement limits for Gresford/ Marford as set out in the Wrexham Unitary Development Plan. It falls within the buffer zone for the Marford Quarry Site of Special Scientific Interest.

The principle of residential development on suitable sites within settlement limits is general supported under policies PS1 GDP1 and H2. However these policies refer to safeguarding low density housing areas and require that all development should accord with the character of the site and should make a positive contribution to the nearby locality.

This site is constrained in size and shape and is close to an existing bungalow. It would be sited in front of Pant House on land used as front garden and parking, and adjoins an access to the new dwelling to the north. The sketch design shows windows confined mainly to front and rear, but the rear window and roof terrace would overlook the bungalow to the south-west. The style of dwelling does not appear to be in-keeping with the existing dwellings and would appear cramped and out of character with the area.

It is considered that a dwelling on this restricted site would not comply with the above policies. Whilst it may be possible to achieve compliance with the minimum standards of local planning guidance note 21 regarding space between dwellings and amenity space, this would require constrained design of windows and there would still be an adverse impact on existing dwellings. The design of the development on a restricted site would not comply with LPGN 30 (particularly the checklist on page 9) regarding the relationship of the development to the road and its surroundings. Therefore it is considered that the proposal would be regarded as an over-development of the site within an attractive area of low-density housing.

4.2 The application was publicised and consultations were carried out, and several objections from local residents were received. A strong objection was received from Gresford Community Council. Details have been submitted with the appeal questionnaire.

5.0 THE COUNCIL'S CASE

5.1 The application includes responses to the pre-enquiry comments, and the dwelling has been designed to reduce overlooking through location of windows and the use of a first floor glazed screen. However the proposal remains a two storey dwelling on a site of 261m². A large part of the application site is taken up by the existing shared access serving two dwellings.

5.2 The garden area for the dwelling is very restricted, and the useable private rear garden space is approximately 75m². This is significantly less than most dwellings in the area.

5.3 The appeal statement confirms that separation distances set out in adopted guidance note 21 and 30 have not been met (appendices C and D). The use of a frosted glass screen on the west side of the dwelling has been included to reduce overlooking from a roof terrace and first floor living room, but this unusual structure would be a dominant feature when viewed from the adjoining property and garden, and could be removed or may become damaged at a later date, thereby giving rise to direct overlooking of the dwelling and rear garden.

5.4 The existing hedge may be damaged or removed during the construction process and may not provide effective long-term screening for the dwelling.

5.5 The proposal is considered to be out of character with the adjoining development and would detract from residential amenity in terms of overlooking and over-dominance.

5.6 The proposal would increase the number of dwellings served by a private drive but there were no objections from the highway authority during the course of dealing with the application. At that time the highway authority was not in a position to respond to many planning consultations during the early part of 2021 due to staff shortages.

5.7 The decision on the application does not refer to highways matters, and so the Local Planning Authority is not raising an objection on this ground. The highway authority has responded to the appeal and this is submitted for consideration as appendix E.

5.8 Issues of parking, trees, drainage and landscaping could be addressed if the appeal is allowed and conditions are recommended, including restrictions on permitted development in view of the restricted nature of the site.

5.9 The proposal as submitted does not comply with adopted policies and guidance for residential development.

5.10 The appellant has made reference to infill developments in the vicinity but has not referred to applications refused permission. Each case is decided on its own merits.

6.0 CONCLUSION

6.1 The Council therefore respectfully requests that the appeal be dismissed.

APPENDICES

- A. Conditions
- B. Wrexham Unitary Development Plan Proposals map
- C. Local Planning Guidance Note 21 Space around dwellings
- D. Local Planning Guidance Note 30 Residential design
- E. Response of highway authority to the appeal