
Penderfyniad ar yr Apêl

Ymweliad â safle a wnaed ar 12/11/18

**gan Siân Worden BA MCD DipLH
MRTPI**

Arolygydd a benodir gan Weinidogion Cymru

Dyddiad: 28/11/18

Appeal Decision

Site visit made on 12/11/18

by Siân Worden BA MCD DipLH MRTPI

an Inspector appointed by the Welsh Ministers

Date: 28/11/18

Appeal Ref: APP/H6955/D/18/3213629

Site address: 2 Saxon Street, Wrexham LL13 7BD

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 Mr Marcin Piaskowski against the decision of Wrexham County Borough Council.
 - The application Ref WRO P/2018/0411, dated 16 May 2018, was refused by notice dated 3 September 2018.
 - The development is a gate entrance of height 184 cm.
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Decision

1. The appeal is allowed and planning permission is granted for a gate entrance of height 184 cm at 2 Saxon Street, Wrexham LL13 7BD in accordance with the terms of the application, Ref WRO P/2018/0411, dated 16 May 2018, and the plans submitted with it, subject to the following conditions:
 - 1) Within one month of the date of this decision arrangements must be in place to ensure that the gates hereby approved open inwards into the site only; no part of the gates shall open outwards onto the public highway. The gates shall be retained to operate as such thereafter.

Procedural matters

2. The development has been completed and the application was retrospective.
3. The declaration on the application form is not dated. I have therefore used the date on which Certificate B was signed which tallies with the date on which the Council received the application.

Main Issue

4. I consider that the main issue in this case is the effect of the development on the character and appearance of the street scene.

Reasons

5. The appeal site is a dwelling and its garden in a mainly residential part of Wrexham. It is located on a corner plot with frontages to Saxon Street and Bryn-y-Cabanau
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Road; the appeal gates are in the boundary separating the garden from the latter. Many of the front garden boundaries in the surrounding area are marked by brick walls or hedges but there are several timber fences too.

6. The gates are just under 2m in height and made of close-boarded timber which has been finished with a chestnut brown finish. They are almost indistinguishable from the fence standing at right-angles to them and running along the rear boundary of the garden. The gates and fence appear well constructed and maintained, enhancing the appearance of the appeal property and immediate vicinity. A short length of the adjoining hedge has been removed to make way for the gates. Photographs provided by the appellant and reproduced in the County Borough Council's committee report indicate, however, that the boundary in question appears very similar now to the way it looked prior to the development taking place. The appeal gates are not uncharacteristic, unsightly or otherwise inappropriate.
7. The scale, design, layout, and materials of the gates accord with the character of the site and make a positive contribution to the appearance of the nearby locality. The appeal development thus complies with Policy GDP1 of the Wrexham Unitary Development Plan which was adopted in 2005.
8. I have taken into account the objection from the local Community Council but have not found that the appeal gates are either excessively high or have a poor visual appearance. The County Borough Council states that access to the garden in this location is permitted development and does not require an application for planning permission; I have no reason to disagree with that position. In any event, visibility at the access point does not seem to me to be likely to lead to dangerous conditions. This appeal is concerned only with the gates described above. The use of the site, whether authorised or not, is not a matter for me at this time and I have given it no weight in reaching my decision.
9. In the interests of the safety of pedestrians and other road users, it is necessary that the gates open inwards only and not outwards onto the public pavement. In the light of Welsh Government Circular 16/2014 *The Use of Planning Conditions for Development Management* I have imposed a condition to this end. No other conditions are necessary as the provision of a dropped kerb would be dealt with under an alternative process.
10. I have considered the duty to improve the economic, social, environmental and cultural well-being of Wales, in accordance with the sustainable development principle, under section 3 of the Well-Being of Future Generations (Wales) Act 2015 ("the WBFG Act"). In reaching this decision, I have taken into account the ways of working set out at section 5 of the WBFG Act and the Welsh Ministers well-being objectives set out as required by section 8 of the WBFG Act.
11. For the reasons given above I conclude that the appeal should be allowed.

Síân Worden

Inspector