

REBUTTAL STATEMENT

SUBMITTED ON BEHALF OF MRS L CLARK

**IN RELEATION TO ONGOING PLANNING APPEAL REF:
APP/H6955/A/21/3281507**

AT

LAND AT QUARRY BROW, GRESFORD, WREXHAM, LL128SG

October 2021

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1.0 INTRODUCTION

- 1.1 This rebuttal statement is prepared by Cassidy + Ashton on behalf of the appellant Mrs L Clark. It relates to Information received from the Planning Inspectorate including Interested Parties representations and the LPA Statement of Case.
- 1.2 As this is a rebuttal statement it deals solely with the content of the above referenced documents and does not provide any new separate arguments.

2.0 LOCAL PLANNING AUTHORITY STATEMENT OF CASE

- 2.1 The below rebuttal to the LPA Statement of Case deals with points raised within their document in the corresponding order and only references points that require rebuttal or clarification.

1.3 Unsightly blue construction fencing has been erected around the site without the benefit of planning permission.

- 2.2 In the Appellants view the fencing does not require consent and as such the LPA's point is not reasonable or required.

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.

- 2.3 When applying LPG21 to the Westerly area of the garden as directed by the Officer, this space of 75m² is still 50% more than the LPA's requirements for private garden space.

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.

- 2.4 The above referenced section of 4.1 is not accurate as the site was never granted planning consent to be utilised as front garden and any car parking on this area was undertaken by adjacent occupiers without consent of the current landowner. The Appeal site is solely within private ownership.

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.

- 2.5 Throughout the local authority area two storey dwellings are created on sites far smaller than 261m², in fact the standard housebuilder 3 bed detached house would have a plot size of 220m². The total plot size is 412m², of which the developable area is 261m², as identified by the Officer.

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.

- 2.6 Although less than some dwellings in the area, the total garden area extends to 137m², with the LPA defined 'usable' garden at 75m². As set out above, this 75m² of 'usable' garden is still 50% in excess of the Local Authorities garden requirements. The total garden area to the property is 174% in excess of these requirements.

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.

- 2.7 Any concerns regarding the removal of frosted glass and the frosted screen can be suitably controlled by condition. Due to the context of the proposed development the frosted screen area will appear as a modern, *in keeping* aspect which will improve the appearance of the area.

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.

- 2.8 This element can again be suitably controlled via the already proposed landscaping condition.

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.

- 2.9 This point is addressed in full within the original Design and Access Statement and also within our submitted statement of case.

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.

- 2.10 The above paragraphs clearly set out that the Local Authority have sought to introduce late evidence which severely prejudices the Appellants case and did not form part of the original reasons for refusal.
- 2.11 Inspectors are within their rights to look at all aspects of an Appeal and dismiss an Appeal on grounds not identified by the Local Authority at the time of Refusal.
- 2.12 This late introduction of information represents unreasonable behaviour as it would appear that Highways were the only statutory Consultee that were approached and re-consulted regarding the submitted Appeal.
- 2.13 The Appellant would raise the question that did the LPA re-consult Highways in anticipation of strengthening their waning case following receipt of the Appellant's Appeal Statement.
- 2.14 We are firmly of the view that the points raised in Appendix E have been fully addressed by Vectos' comments below.
- 2.15 The conditions proposed by the LPA are considered acceptable.

3.0 INTERESTED PARTIES RESPONSES

- 3.1 Having reviewed responses received from Local Residents it is not considered that letters received from J Dutton, MJ Edwards, P Jones and M&A Newman highlight any new aspects which have not been addressed in full within the Appellants Appeal Statement.
- 3.2 Comments received from Gresford Community Council do include some new aspects which they did not consider previously, however, again these aspects have been covered within the submitted Appeal Statement.
- 3.3 Hafod Planning Consultants have also produced an objection letter in relation to the Appeal on behalf of Mr and Mrs Heard and Ms and Mr Meakin.
- 3.4 The objection letter first focuses on highways aspects, each of which are covered in full within the letter from Vectos below.
- 3.5 The agent goes on to highlight a number of legal matters which are not material planning considerations as they are dealt with under separate legislation.
- 3.6 When discussing the garden areas associated with the properties the agent has failed to accurately assess these using guidance within LPG21 and has presented a wildly inaccurate figure which is entirely false. As set out in detail above, the proposed garden area is well in excess of the minimum required by the LPA.
- 3.7 Living conditions are identified as being the last aspect the Agent considers and it can be concluded relates entirely to amenity. All amenity aspects have been covered within the original Appeal Statement for the Appellant.
- 3.8 All other points raised by the Agent have been addressed in full within the originally submitted Appeal Statement.

4.0 CONCLUSIONS

- 4.1 The proposed development is located in a sustainable residential location within a settlement boundary. The proposal will create 1no detached dwelling on a substantial plot that will appear in keeping with the wider area and will not have a negative impact upon the residential amenity of existing occupiers. The proposal accords with both local and national planning policy.
- 4.2 The LPA in their statement and associated appendices have purposefully introduced new evidence which could have negatively impacted the Appellants case had they not been able to seek advice from a professional Highways consultant within the tight timeframe.
- 4.3 The Highways consultants' letter is provided in full below.
- 4.4 With the exception of the new highways information this rebuttal has dealt with clarifications where the LPA have misinterpreted or misrepresented the scheme. No new or pertinent arguments have been raised by the LPA which have not already been addressed in full within the original Appeal Statement.
- 4.5 In conclusion, this rebuttal statement along with the previously submitted Appeal Statement have demonstrated that the development proposals will result in the efficient use of land within the boundary of an identified settlement.
- 4.6 The proposed development is supported by both Local and National Planning policy and guidance and there are no material planning considerations that should prevent the proposed development. As such it is kindly requested that this Appeal to the Welsh Government is allowed.

5.0 APPENDIX A: HIGHWAYS TECHNICAL NOTE AND DRAWINGS

Cassidy+Ashton

C+A

Chester Office:

10 Hunters Walk, Canal Street,
Chester, CH1 4EB

T: +44(0)1244 402 900

E: chester@cassidyashton.co.uk

Preston Office:

7 East Cliff, Preston,
Lancashire, PR1 3JE

T: +44(0)1772 258 356

E: preston@cassidyashton.co.uk

Email us:

architecture@cassidyashton.co.uk

surveying@cassidyashton.co.uk

planning@cassidyashton.co.uk

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5.0 APPENDIX A: HIGHWAYS TECHNICAL NOTE AND DRAWINGS

Proposed Single Dwelling

Land at Quarry Brow, Gresford – Highways Technical Note 01

VN212096 Quarry Brow, Gresford - Highways Technical Note_01a

Background

1. This note has been prepared to consider proposals for a small residential development on land at Quarry Brow in Gresford. An application was submitted (Ref: P/2020/0890) which sought to utilise an existing access junction on Quarry Brow to provide a single dwelling with associated car parking.
2. The application was refused by Wrexham County Borough Council (WCBC) in March 2021 with a single reason for refusal which related to the scale of the proposed dwelling on a restricted site. WCBC considered that the proposals would represent an overdevelopment of the site which in turn would have a detrimental impact upon the character and amenity of the area and adjoining dwellings. There were no reasons for refusal relating to highways, transport or mobility.
3. An appeal (Ref: APP/H6955/A/21/3281507) was submitted regarding WCBC's reason for refusal. As part of WCBC's Statement of Case, it was reiterated by WCBC that there was no objection relating to highways matters. However, as part of the WCBC's Statement of Case, comments from WCBC Highways were appended.
4. In reviewing proposals for the proposed new dwelling, WCBC Highways commented on the visibility at the existing access junction on Quarry Brow, parking provision within the site and arrangements to accommodate a medium-sized delivery vehicle. This note considers each of the three items commented on by WCBC Highways, with the intention of providing additional information to assist with the overall determination of the appeal (if required).

Site Access Visibility

5. A topographical survey has been made available to Vectos to inform this initial review. This has been utilised to consider the existing sightlines achievable in both directions from the existing access junction on Quarry Brow.
6. In providing their comments, WCBC Highways have acknowledged the fact that the existing access junction is located approximately 30 metres north of the Quarry Brow/Pant Lane junction and as such, vehicle speeds are likely to be lower than the signed 30mph limit (i.e. suggested typical speeds of 20mph travelling southbound and 15mph travelling northbound).
7. Although no speed data has been presented, there is no reason to suggest that the WCBC suggested typical speeds are unreasonable when considering the fact that Quarry Brow is not a through route, access is only provided to approximately 20 dwellings, and informal observations suggest that vehicle speeds are naturally controlled by the carriageway width (approximately 4.8m) and gentle curves in the carriageway alignment.

8. As a starting point, it is worth noting that vehicles approaching the junction on Quarry Brow from both directions are able to see whether there is a vehicle present at the access junction for a distance in excess of 30m metres. Vehicles approaching the access junction are therefore already aware of the route in front of them.
9. A review of visibility from the existing access junction has been conducted and is presented in **Plan 1**. Initially, visibility from a 2.4 metres setback has been considered. Visibility to the north of the access can achieve approximately 43 metres which is in excess of the TAN 18 requirement for a suggested 20mph typical speed. To the south, visibility is restricted by a boundary wall to approximately 12 metres when measured to the nearside kerb edge. This assessment broadly aligns with the review provided by WCBC Highways.
10. It is acknowledged that although visibility splays should generally be drawn to the nearside kerb edge, practical sightlines achievable to the path of an approaching vehicle can also be considered. With this in mind, the practical sightlines achievable from a 2.4 metres setback would be approximately 14.5 metres using a kerb offset of 0.5 metres, and approximately 17 metres using a 1 metre kerb offset. These are often referenced as being suitable for vehicle speeds of approximately 12mph and 14mph respectively, accounting for bonnet adjustments.
11. In addition, at lightly trafficked junctions in slow speed situations, sightlines measured from a 2 metres setback can be considered, as noted in TAN 18. **Plan 1** also presents sightlines measured from a 2 metres setback to the nearside kerb at approximately 12.5 metres. Using a kerb offset of 0.5 metres, a sightline of approximately 15.5 metres is achievable whilst using a kerb offset of 1 metre, a sightline of approximately 18.5 metres is achievable. These are often referenced as being suitable for vehicle speeds of approximately 13mph and 15mph respectively, accounting for bonnet adjustments.
12. What this demonstrates in practice is how a vehicle exiting the access junction might 'peep and creep' to assess whether there is any oncoming traffic before deciding whether to complete their manoeuvre. In addition, it has already been noted that vehicles approaching the access junction on Quarry Brow can see the presence of a vehicle for distance in excess of 30 metres in both directions. The proposed single dwelling is unlikely to materially increase trip movements at the access junction with Quarry Brow and as such, the characteristics of the local network in the immediate vicinity are unlikely to be adversely affected.

Parking Provision

13. WCBC Highways acknowledge that the provision of two parking spaces proposed for the new dwelling would be adequate. However, access into and out of these spaces has been queried.
14. The layout as presented includes two marked car parking spaces set behind a sliding gate. These parking spaces appear to be in the rough location of an area currently used for parking. Although marked on the layout as two formal parking spaces (approximately 2.4 metres by 4.8 metres) it is considered that there would be additional width available and therefore additional flexibility within the curtilage to accommodate the parking of vehicles in this location. As part of this, it is considered that there is also flexibility regarding the overall width of the sliding gate which would provide access to the parking area.

15. To assist in providing additional information, **Plan 1** presents an initial vehicle tracking exercise for the area identified for parking within the site. Although it is possible to drive into the parking area, the vehicle tracking shows a more likely scenario whereby vehicles reverse into the parking area so as to be able to drive forwards out through the gates. This is not considered to be unreasonable and demonstrates what can be achieved practically.
16. Regarding the vehicle tracking, it is possible to access the spaces in and out without having to affect the existing footway and kerb upstand on the northern side of the existing carriageway. This is due to the existing carriageway alignment which facilitates manoeuvres into and out of the parking area and although the proposals include for the provision of an improved shared space in this area, it could be considered desirable but not necessary when considered in relation parking manoeuvres.

Potential Servicing Arrangements

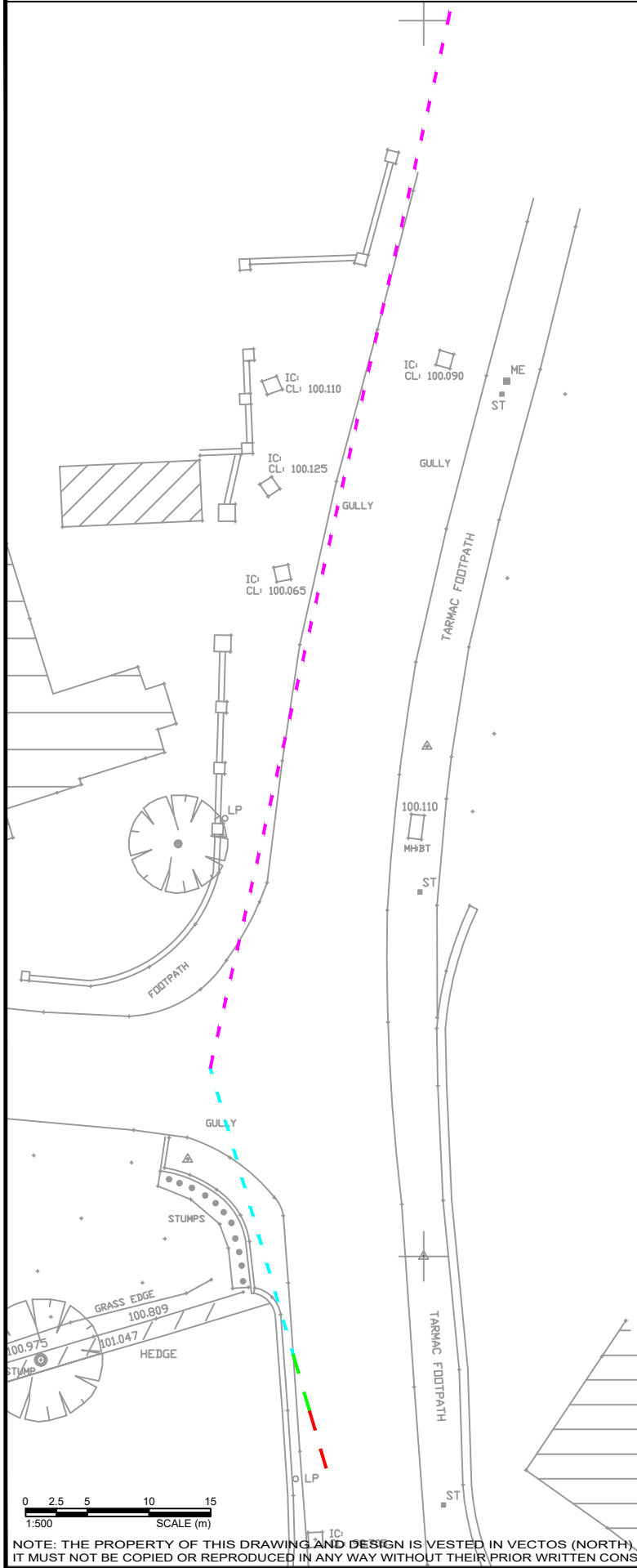
17. It has been suggested by WCBC Highways that a communal turning area should be provided as part of the development proposals in order to facilitate the turning movements of a medium-sized service vehicle. It is assumed that this relates to a 4.6 tonne light goods vehicle or 7.5 tonne panel van for the purpose of online food deliveries and/or online mail order services which have the potential to occur on a regular basis, albeit typically outside of peak times.
18. It is noted that electric gates are proposed approximately 5 metres back from the access junction with Quarry Brow. Although these may be desirable, they are not considered necessary and could be omitted from the scheme. The removal of these electric gates would allow a medium-sized service vehicle to position itself on Quarry Brow immediately north of the access junction and then reverse into the private drive with minimal conflict.
19. It has already been identified that vehicle speeds and traffic flows are likely to be low, thereby minimising the potential for conflict. In addition, forward visibility along Quarry Brow is considered to be good allowing a service vehicle to complete the reversing manoeuvre whilst also allowing other road users to see and accommodate accordingly without affecting the operation of the junction at Pant Lane. This is not considered to be impractical when considered in this local context and is reflective of many similar servicing arrangements within residential areas.
20. Overall, the request from WCBC Highways is acknowledged and although a dedicated facility may be desirable, it is not considered necessary in order to accommodate servicing activity for the new dwelling.

Summary

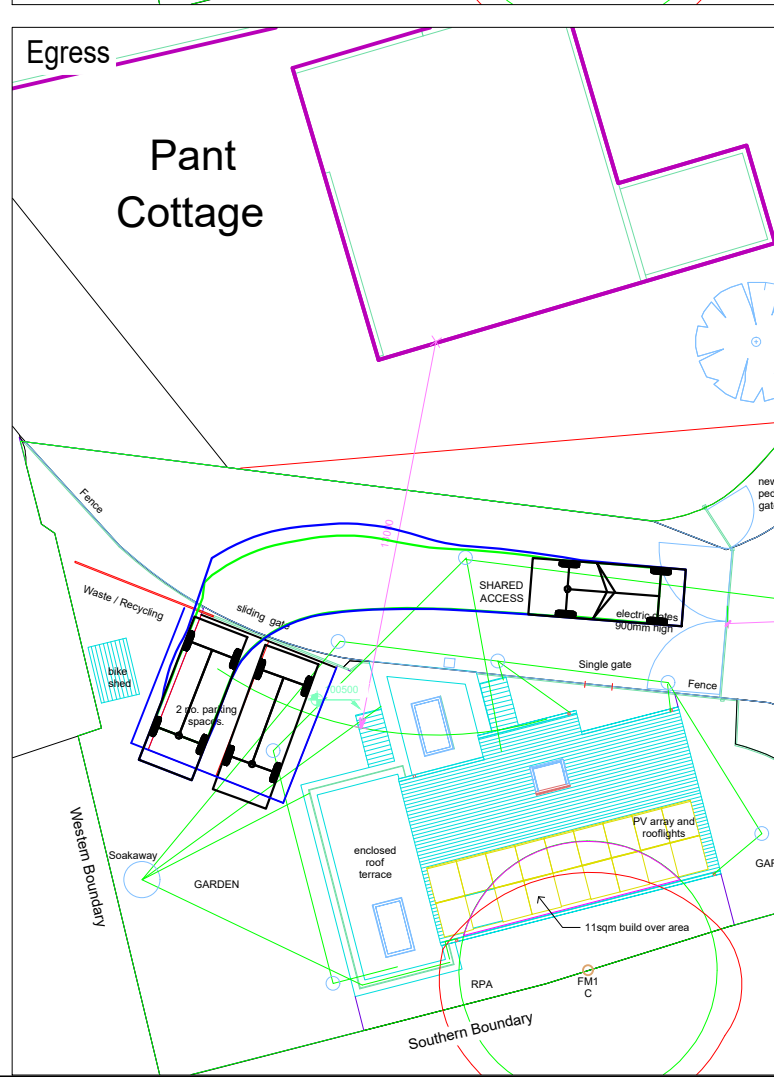
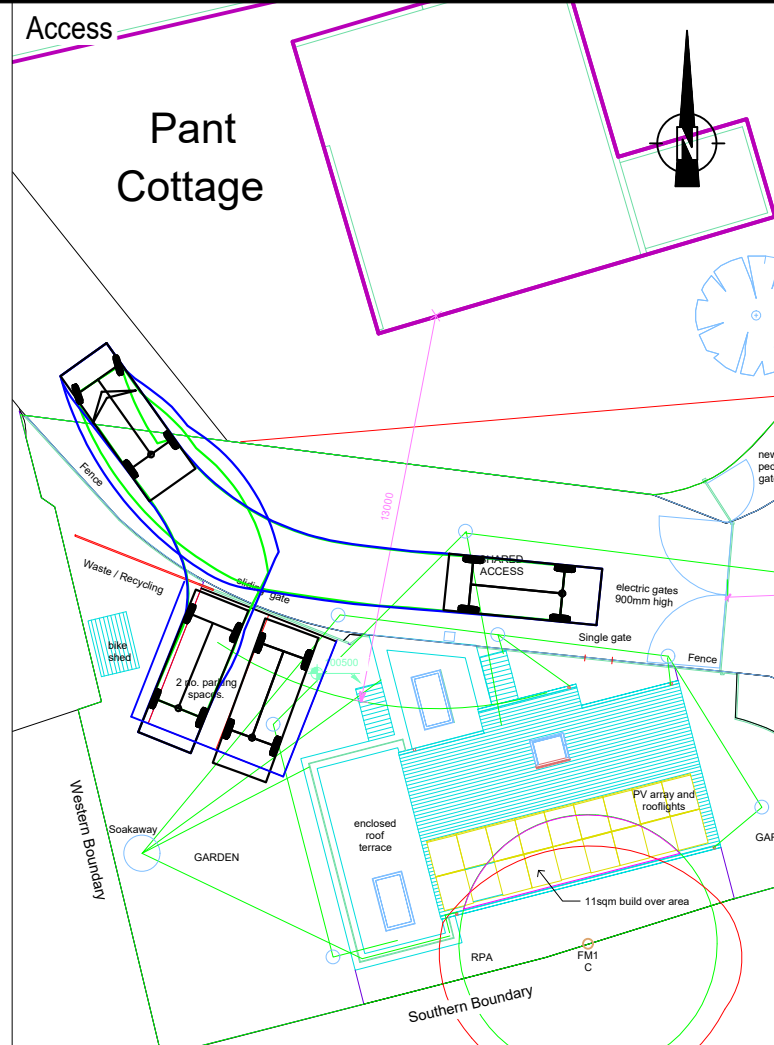
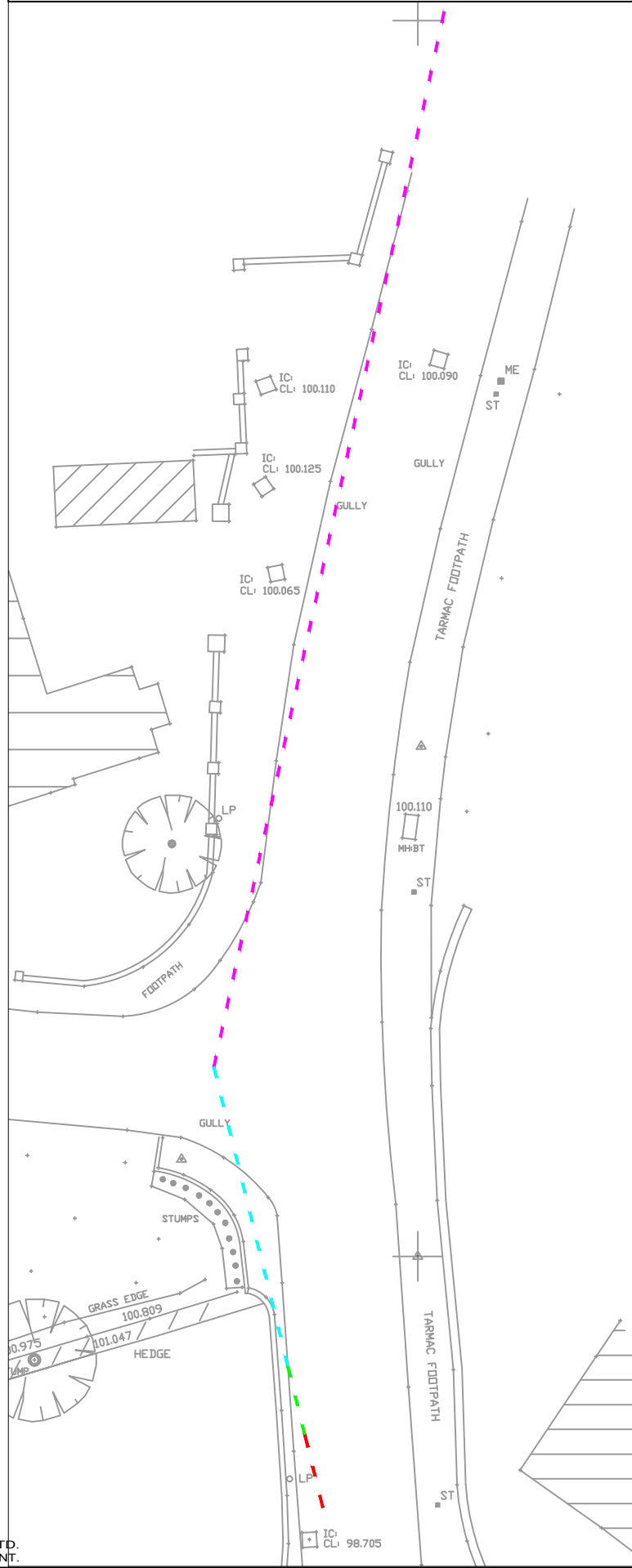
21. In summary, this note has considered three elements associated with the development proposals for a new dwelling; namely access junction visibility, parking provision and servicing arrangements.
22. Although visibility at the existing access junction is restricted to the south, there is considered to be sufficient visibility to enable all road users to see one another and accommodate accordingly in a low-speed, lightly trafficked environment, without adversely altering the characteristics of the local highway network in the vicinity.

23. Parking provision is considered to be adequate, as noted by WCBC Highways, and the vehicle tracking exercise has highlighted that access into and out of the parking area can be accommodated with additional width available around each designated space and a wider sliding access gate.
24. Medium-sized service vehicles can be accommodated by reversing from Quarry Brow into the private drive, as is not uncommon in many residential areas. The removal of the electric gate would facilitate this manoeuvre and is a detail that could be addressed via condition (if required).

- Key**
- 2.4m x 43m Visibility Splay
 - 2.4m x 12m Visibility Splay
 - 2.4m x 14.5m (0.5m Kerb Offset) Visibility Splay
 - 2.4m x 17m (1m Kerb Offset) Visibility Splay



- Key**
- 2.0m x 43m Visibility Splay
 - 2.0m x 12.5m Visibility Splay
 - 2.0m x 15.5m (0.5m Kerb Offset) Visibility Splay
 - 2.0m x 18.5m (1m Kerb Offset) Visibility Splay



Notes:

- This is not a construction drawing and is intended for illustrative purposes only.
- White lining is indicative only.

Large Car (2006)

Overall Length	5.079m
Overall Width	1.872m
Overall Body Height	1.525m
Min Body Ground Clearance	0.310m
Max Track Width	1.831m
Lock to lock time	4.00s
Kerb to Kerb Turning Radius	5.900m

REV.	DETAILS	DRAWN	CHECKED	DATE

CLIENT: Cassidy + Ashton

PROJECT: Quarry Brow, Gresford

DRAWING TITLE: Existing Visibility & Proposed Site Swept Path Analysis

SCALES: 1:250 at A3

DRAWN: WD	CHECKED: PW	DATE: 06.10.21
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vectos.

4th Floor Oxford Place, 61 Oxford Street, Manchester, M1 6EQ
0161 228 1008 e: manchester@vectos.co.uk

DRAWING NUMBER: VN212096-D100	REVISION: .
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