

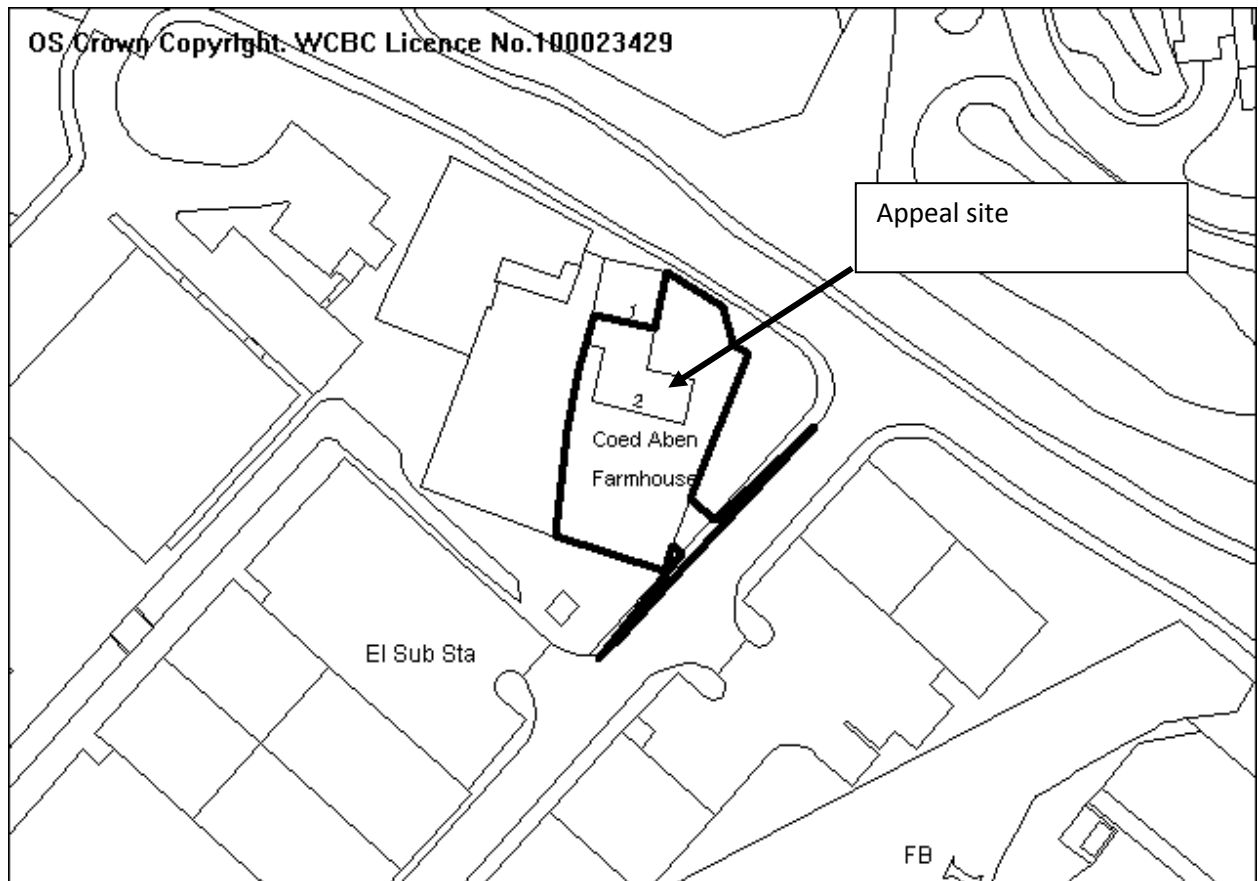
**TOWN AND COUNTRY PLANNING ACT 1990 SECTION 78 APPEAL AT
2 COED ABEN FARMHOUSE**

COUNCIL'S STATEMENT OF CASE

**PLANNING REF: P/2018/0417
PINS REF: 3207319**

1.0 THE SITE

- 1.1 The appeal property is a semi-detached dwelling fronting onto Coed Aben Road. The site is surrounded by the Wrexham Industrial Estate.



2.0 PROPOSAL

- 2.1 The appellant is proposing to remove two conditions imposed on planning permission P/2017/0965:

Condition 07

No part of the building shall be used for the purposes hereby granted until the existing front door has been blocked up and an alternative means of access to the building has been provided at the rear of the property.

Reason

To provide privacy and protect the amenity of No 1 Coed Aben Farmhouse.

Condition 08

Other than maintenance no use shall be made of the front garden area which includes all the land within the application site which, for the avoidance of doubt, lies between the front elevation of 2 Coed Aben Farmhouse and Coed Aben road.

Reason

To provide privacy and protect the amenity of No 1 Coed Aben Farmhouse.

3.0 HISTORY

- 3.1 P/2017/0264 Use of the premises as a dwelling house providing care for up to three children living together as a single household with car provided by up to three residential staff at any one time.
Lawful development certificate application. Refused 3.7.2017
- 3.2 P/2017/0449 Change of use from C3 (residential dwelling) to C2 (residential children's home). Refused 31.7.2017
- 3.3 P/2017/0965 Change of use from C3 (residential dwelling) to C2 (residential children's home) including formation of new vehicular access. Granted 2.1.2018

4.0 DEVELOPMENT PLAN

- 4.1 The appeal site is located within settlement limit of the Wrexham Industrial Estate. Policies GDP1, H11 and T8 of the Wrexham Unitary Development Plan apply.

5.0 COUNCIL'S CASE

- 5.1 Planning application P/2017/0965 proposing was reported to Planning Committee on 2 January 2018 with an officer recommendation to grant planning permission subject to 6 planning condition. The committee voted to grant planning permission subject to two additional conditions (nos. 07 and 08) being imposed.
- 5.2 The reason given for imposing conditions 07 and 08 is to protect the privacy and amenity of the occupiers of no.1 Coed Aben Farmhouse. The effect of both conditions is to seek to prevent any usage and pedestrian traffic within the front garden of the appeal property.
- 5.3 The existing main entrance to no.2 Coed Aben Farmhouse is situated in the front elevation and is approximately 5m from the front elevation of the adjoining dwelling no.1 Coed Aben Farmhouse. The latter contains a window that faces directly onto the front garden of the appeal site.
- 5.4 There would be a greater degree of activity associated with the use of the premises as a care home compared to a domestic dwelling due to shift changes of care staff (every other day), daily visits by other specialist staff

and the arrival and departure of the site manager on 5 days a week. The busiest times will be when shift changes and staff meetings take place because several members of staff will arrive and depart in a short space of time.

- 5.5 The planning permission makes provision for a new vehicle access to the site of the site, with all parking being located at the rear. The existing access would be closed to vehicular use (as required by condition 06) but could remain open to pedestrian use. Despite these changes, every visitor to the property will need to enter it via the front door as there are currently no doors in the side or rear elevations of the building.
- 5.6 The increased intensity in the use of the site is considered as likely to reduce the standard of privacy afforded to the occupiers of no.1 Coed Aben Farmhouse. It also has the potential to increase the degree of noise as a result of individuals coming and going, as well as potentially congregating outside to talk. These issues would be eliminated if the entrance door were relocated away from the front elevation.
- 5.7 The proposed use also has the potential to increase the intensity of the usage of the front garden to the detriment of the privacy of the neighbours as well as increasing disturbance as a result of noise. Given that the property benefits from a sizeable rear curtilage the restrictions imposed by condition 08 will not unduly impact upon the standard of amenity afforded to the children who reside at the site or to the care staff who work there.

6.0 CONCLUSION

- 6.1 The imposition of the conditions was considered necessary to protect the standard of amenity afforded to the occupiers of the adjoining dwelling. Given the intensification in the use of the site as a result of the proposed use, the removal of the two conditions would result in unacceptable harm to the privacy and amenity of the adjoining occupiers. The Council considers the proposed removal of the conditions to be in conflict with policy GDP1 (f) of the Wrexham Unitary Development Plan. The Inspector is respectfully requested to dismiss the appeal.

7.0 SUGGESTED CONDITIONS

- 7.1 In the event of the Inspector being mindful to allow the appeal, the Council respectfully requests that this be subject conditions 01 to 06 imposed on planning permission P/2017/0965. A copy of that decision is appended to this statement.

Appendix 1

A.1 Decision Notice: Planning permission P/2017/0965

