
Penderfyniad ar yr Apêl

Ymweliad â safle a wnaed ar 06/08/18

**gan Mr A Thickett BA(Hons) BTP
MRTPI Dip RSA**

Arolygydd a benodir gan Weinidogion Cymru

Dyddiad: 15.08.2018

Appeal Decision

Site visit made on 06/08/18

**by Mr A Thickett BA(Hons) BTP MRTPI
Dip RSA**

an Inspector appointed by the Welsh Ministers

Date: 15.08.2018

Appeal Ref: APP/H6955/A/18/3200580

Site address: Disused Shippon, Village Walks, Marford, Wrexham, LL12 8SZ

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 D Roberts against the decision of Wrexham County Borough Council.
 - The application Ref GRE P/2017/1043, dated 19 December 2017, was refused by notice dated 16 March 2018.
 - The development proposed is a garage.
-

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - the effect of the proposed development on highway safety
 - the visual impact of the proposed garage on the living conditions of the occupiers of Oakdale House

Reasons

Highway safety

3. The Council's Local Planning Guidance Note 20, House Extensions (LPG) requires a distance of 5.5m between the front of a garage and the highway. This is to ensure that a vehicle does not obstruct the footway whilst the driver opens/closes the garage doors. In this case the distance would be 4.74m. The appellant points out that parking spaces are 4.8m in length and I acknowledge that most cars would fit on the proposed drive and not overhang the footway. I note what Council Officers say about Village Walks being lightly trafficked and that the footway along Village Walks ends at the appeal site after which pedestrians must use the carriageway.
 4. However, the side hung doors on the proposed double garage would extend some way into the drive meaning that it is highly likely that a vehicle would overhang the footway or even the carriageway whilst the driver was opening or closing the doors. The footway is narrow (around 1m) and Village Walks is narrow (around 4m) and I consider it likely that the proposed development would lead to conflict between
-

pedestrians and drivers and potentially between drivers using Village Walks to the detriment of highway safety and the free flow of traffic.

5. The Council's Highway Engineer suggested the use of roller shutter doors. This would enable a vehicle to be clear of the footway whilst the doors are opened/closed and I have considered imposing a condition in this regard. However, I am mindful that the site lies in the Marford Conservation Area and without any designs before me I cannot be satisfied that such a solution would preserve its character or appearance. I conclude, therefore, that the proposed development would have an adverse impact on highway safety and that it conflicts with Policy GDP1 (d) of the Wrexham Unitary Development Plan 1996 – 2011, adopted 2005 (UDP).

Living conditions

6. The proposed garage would be about 1m from the shared boundary with the back garden to Oakdale House. This boundary is formed by a fence topped by a trellis with an overall height of around 2.8 - 3m. There is also a large shed in the back right hand corner of the garden.
7. The proposed garage would be on higher ground but most of the building would be screened by the existing fence. I note the dispute relating to the distance between the rear windows of Oakdale House and the proposed garage and the alleged conflict with the LPG. However, standards in supplementary planning guidance should not be applied slavishly. The proposed garage would not extend across all of the rear boundary; add this to the distance between the existing and proposed buildings and the high screen on the boundary and I do not consider that the proposed garage would appear overbearing when viewed from the house or garden. I conclude therefore that the proposed development would not have an unacceptable visual impact on the occupiers of Oakdale House and that it complies with Policy GDP1 (a) of the UDP.

Conclusions

8. My findings with regards to living conditions are outweighed by my conclusions relating to adverse impact on highway safety. For the reasons given above and having regard to all matters raised, I conclude that the appeal should be dismissed.
9. In reaching my decision, I have taken into account the requirements of sections 3 and 5 of the Well Being of Future Generations (Wales) Act 2015. I consider that this decision is in accordance with the Act's sustainable development principle through its contribution towards the Welsh Ministers' well-being objective of creating attractive and safe communities.

Anthony Thickett

Inspector