
Penderfyniad ar yr Apêl

Ymweliad â safle a wnaed ar 24/07/18

gan Iwan Lloyd BA BTP MRTPI

Arolygydd a benodir gan Weinidogion Cymru

Dyddiad: 05.09.18

Appeal Decision

Site visit made on 24/07/18

by Iwan Lloyd BA BTP MRTPI

an Inspector appointed by the Welsh Ministers

Date: 05.09.18

Appeal Ref: APP/H6955/A/18/3202590

Site address: 2 Vale Prospect, Chapel Street, Acrefair, Wrexham LL14 3TB

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 and Mrs D Williams against the decision of Wrexham County Borough Council.
 - The application Ref CEF P/2017/0503, dated 20/06/2017, was refused by notice dated 22/01/2018.
 - The development proposed is change of use from Class D2 to Class C3, creation of new vehicular access and drive.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are;
 - the amenity value of the protected trees, their overall condition, and the likely impact of felling them on the character and appearance of the area, and in the light of the above whether the proposed development is justified having regard to the reasons put forward in support of it, and
 - whether sufficient information has been provided on the proposed access visibility sight lines to determine whether the proposed access would harm highway safety.

Reasons

Protected trees

3. The appeal site is a strip of land to the south of Bethania Road which is densely wooded and protected under tree preservation order (TPO) No. 277/2017 confirmed on 3/04/2018. The proposal seeks a vehicular access off Bethania Road and change of use to garden land associated with No. 2 Vale Prospect. The land rises steeply from Bethania Road into the site and would require excavation and engineering works to retain the soil along the eastern boundary of the access drive. The woodland order forms a much larger area than the appeal site adjacent to the Air Products Sports and Social Club.
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4. The appellants' Arboricultural Impact Assessment (AIA) notes that two woodland trees (T1 sycamore and T2 ash) are of significant stature and condition as to individually identify them as B2, a moderate quality tree with mainly landscape qualities and a minimum of 20 years life expectancy. The AIA report indicates that an additional woodland area of some 500m² would be affected by the proposal with a stem diameter ranging from 50mm-500mm. In a woodland order the TPO also protects trees which are planted or grow naturally within a woodland area and these young trees although of less stature are protected for their amenity value.
5. The density of the woodland when seen from Bethania Road as a collective contribute greatly to the amenity of the area and their value in my view is moderate to high. The significant loss of the density of woodland envisaged by the proposal young and more established trees (T1 and T2) would greatly diminish the contribution the woodland makes to the area.
6. I would agree with the Council that a small reduction of the protected woodland area overall would not provide justification for the removal of this part of the woodland in terms of the contribution it makes to the amenity of the area and its enjoyment by the public.
7. I note the desire to have off-road parking and that the road is narrow and busy in Chapel Street. I also note that there have been occasions where the appellants have needed a wheelchair which requires the parked car door to be wide open onto the street. The appellants have grown 11 oak sapling trees which will be planted on the appeal site along with other fruit and deciduous trees. However, these matters individually and in combination do not justify felling the TPO trees.
8. I conclude that the amenity values of the protected trees are moderate to high. Their overall condition is good, and the impact of felling them would harm the character and appearance of the area. In the light of the above the proposed development is not justified having regard to the reasons put forward in support of it. The proposal conflicts with the Wrexham Unitary Development Plan 1996-2011 (UDP) Policies EC4 and GDP1, in so far as these relate to protected trees.

Information on highway safety

9. The submitted plan does not show whether adequate visibility can be achieved within the public highway. The appellants indicate that they were not advised of the concern and indicate that traffic speed will be reduced to 20mph in the near future. Nevertheless, visibility is restricted to the east and this land is not within the appellants' control. The absence of information has not determined whether the access would not harm highway safety.

Conclusions

10. I note the appellants concerns about the application process and the confirmation of the TPO. However, these matters are outside the scope of this appeal, and as a matter of fact the appeal must be decided on the basis of the constraints which now exist. For these reasons, the appeal cannot succeed on the two main determining issues.
11. 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.

12. I therefore conclude that the appeal should be dismissed.

Iwan Lloyd

INSPECTOR