



# Appeal Statement

Appeal against refusal of planning permission for  
proposed dormer windows – The Barn, Pentre Saeson  
Farm, Brymbo Road, Bwlchgwyn, Wrexham, LL11 5TY

for Mr G. Fielding

14-276



Project : 14-276  
Site address : Pentre Saeson Farm,  
Brymbo Road,  
Bwlchgwyn, Wrexham,  
LL11 5TY  
Client : Mr G. Fielding  
Date : 02 March 2016  
Author : Shaun Gaffey  
Approved by : Alison Freeman

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## 1. Introduction

- 1.1 This statement is submitted as part of an appeal made against the refusal of planning application P/2015/0957 for 3 dormer windows (appended at EP1) at The Barn, Pentre Saeson Farm, Brymbo Road, Bwlchgwyn, Wrexham, LL11 5TY.

### Background

- 1.2 The Barn is a former agricultural building that was converted to residential use in 2003. Permitted development rights were restricted as part of the permission, which has resulted in a significant planning application history for minor alterations to the property.
- 1.3 Permitted development restrictions were lifted following the approval of application P/2015/0004 in February 2015. There have been subsequent prior approval requests and planning applications at The Barn, all of which have been approved, apart from the latest application which is the subject of this appeal statement.

### Proposition of case

- 1.4 The original planning application was refused on the basis of non-compliance with one policy of the Wrexham UDP (GDP1a). We seek to show that the development would be compliant with policy GDP1a) of the Wrexham Unitary Development Plan as well as with all relevant national policy.

## 2. Site and area description

- 2.1 The property known as The Barn is a detached dwelling located off Minors Road, on the north side of Brymbo Road behind what would have been the original farmhouse. It was converted in approximately 2003 to a separate dwelling. It is set in a substantial garden. It is well screened from Brymbo Road by the original farmhouse, and its principal elevation does not front onto or face the highway. It is a dwelling that has been much altered and extended. It is no longer a barn, and has not been so for over twelve years.
- 2.2 The dwelling is a large, L-shaped structure that is set significantly back from Brymbo Road. The principal elevation is not clearly visible from the highway and is less prominent than the taller

crosswing which projects some distance in front of it. The proposed development would be framed in this context and not be unduly prominent; it would therefore have a reduced impact.

### **3. The appeal proposal**

- 3.1 The original planning application was submitted on 18 December 2015. It was registered by Wrexham Borough Council on 23 December 2015 and the case officer was assigned to the application. The statutory determination deadline was 16 February 2016.
- 3.2 Three side-hung casement windows are proposed. These would be inserted into the lower slope of the existing roof to replace the two first floor windows in the east elevation of The Barn. The windows are required to improve the amenity of the applicants' as they currently do not benefit from first floor windows which are at eye level; rather existing windows level with the floor.
- 3.3 The proposed windows would extend 0.5m above the eaves height. The two replacement windows would see the height of the windows increased by 0.7m. There would therefore not be a significant visual impact, particularly in light of the proposed dormers being framed by the taller crosswing which projects some distance in front of the principal elevation.
- 3.4 The brickwork removed as a result of the changes to the original windows would be re-used in order to ensure the new windows respect the character of the original dwellinghouse. The proposed development would involve minor alterations to the roof at eaves level to incorporate the windows. These changes are shown in plan 1510.05 as submitted with this appeal.
- 3.5 The existing windows are inefficient and do not conserve energy. The proposed development would make the best use of design techniques in order to conserve energy, and would be a significant improvement upon the existing windows; in line with GDP1c) of the Wrexham UDP.

### **Related matters**

#### **Wrexham Borough Council conduct**

- 3.6 Whilst we concede that an application for costs is not possible for appeals determined via the written representations procedure in Wales, it is considered that Wrexham Borough Council's unreasonable behaviour in determining the original planning application should be placed on record. The following section provides a chronology of the events leading up to the refusal of

planning permission. Correspondence between Emery Planning and the Council is appended at EP2.

3.7 An initial progress chasing email was sent to the case officer by Emery Planning on 15 January 2016. This is standard procedure in order to establish whether there are any issues at an early stage to allow maximum opportunity for resolution.

3.8 The case officer responded on the same day, stating the following:

*"No issues with this application. All being well, I am looking to issue the decision by 22 Jan 2016."*

3.9 This response was justifiably interpreted as an indication of the case officer's recommendation for approval under delegated authority. A note was created to progress chase further should there be no decision issued on 22 January. However, the case officer sent an email on 20 January, stating that:

*"I have now discussed the application with the planning manager and advise you that the proposal is not supported. The application has now been determined and planning permission refused. The decision notice and associated documents are on the way to you."*

3.10 A response was sent expressing disappointment at change in stance from the original email correspondence on 15 January. We also requested that in light of the determination deadline being 16 February the Council delay issuing the decision in order for us to discuss all available options going forward. The case officer responded by stating that:

*"Sorry to disappoint. My previous email was an indication that there were no negative consultation responses on file and was not an indication of my recommendation. Apologies for any confusion."*

*The decision has already been made (the web may not have updated yet) and will be with you shortly."*

3.11 Planning Policy Wales Edition 8 (January 2016) states in paragraph 1.3.3 that planning authorities should ensure that *"all interested parties are fully consulted, particularly on development plans and planning applications"*. It goes on to state in paragraph 1.3.8 that development proposals should be handled efficiently and within the statutory time limit, but that *"improved efficiency*

*of decision making should not compromise the quality of either the decision making process or the development”.*

- 3.12 As identified in the above correspondence, Wrexham Borough Council did not engage in any discussion with regard to the refused application. It was refused without notifying Emery Planning, despite having 27 days remaining until the determination deadline. A revised scheme could have been submitted and considered comfortably within the time remaining. Furthermore, the option of withdrawing the application was not available due to the lack of consultation from the authority.
- 3.13 We consider this to be unreasonable behaviour on the part of Wrexham Borough Council, and an application for full costs would have been made on this basis had the option been open to us.

## **4. Relevant planning and appeal history**

- 4.1 Since permission was granted for the original conversion, there have been a number of planning applications associated with The Barn, due to the existence of a condition on the original permission which removed permitted development rights. Planning history is as follows:

- P/2003/0375 - Conversion of outbuilding to dwelling, alteration to existing vehicular access and installation of biodisc mini treatment plant – granted in 2003;
- P/2012/0090 – Two storey extension – refused on 7<sup>th</sup> March 2012;
- P/2012/0299 – Insertion of 3 No. dormer windows (amendment to previously approved scheme P/2003/0375) (In retrospect) – granted on 11<sup>th</sup> June 2012;
- P/2012/0371 – Single storey rear extension – granted on 17<sup>th</sup> July 2012;
- P/2012/0864 – Two storey extension – granted on 2<sup>nd</sup> April 2013;
- P/2013/0332 – Amendment to planning permission REF P2012/0864 for two storey extension; substitution of rooflight serving en-suite for dormer window – Refused on 24<sup>th</sup> July 2013. Appeal APP/H6955/A/13/2203058 allowed on 4<sup>th</sup> October 2013;
- P2013/0802 – Erection of summerhouse – granted on 15<sup>th</sup> January 2014;
- P/2014/0026 – Construction of basement to previously approved extension – granted on 3<sup>rd</sup> March 2014;
- P/2014/0027 – Front porch – Refused on 10<sup>th</sup> March 2014. Appeal APP/H6955/A/14/2216183 allowed on 3<sup>rd</sup> June 2014;
- P/2014/0569 - Enlarged rooflight, repositioning of 3 windows and changing door to window to front elevation – granted on 16<sup>th</sup> September 2014;

- P/2015/0004 - Removal of Condition 5 of planning permission code no P/2003/0375 to allow removal of permitted development rights restriction - granted on the 10th February 2015;
- P/2015/0632 - Extension to existing garage – granted on 15<sup>th</sup> September 2015;
- P/2015/0710 - Application for Lawful Development Certificate for a Proposed Use or Development - demolition of existing storage shed and construction of single-storey side extension – granted on 8<sup>th</sup> October 2015; and
- P/2015/0957 – Removal of 2 existing first floor windows and replacement with 3 new first floor windows including alterations to roof – Refused on 19 January 2015. This application is the subject of this householder appeal.

## 5. Planning policy context

### National planning policy and guidance

- 5.1 The overarching relevant policies related to housing in the countryside are set out in Planning Policy Wales Technical Advice Notes 'Tan5', 'Tan12: Design' and 'Tan22: Sustainable buildings'. GDP1a) is set out below. The application was refused on the basis of this policy.

### Development plan context

- 5.2 In the Wrexham UDP of 2005 policy GDP1 requires all new development to be in scale and use materials appropriate to the locality. GDP1a) is set out in the Planning Considerations section below. The application was refused on the basis of this policy. The other relevant subsection of GDP1 is GDP1c), which states that all new development must *"make the best use of design techniques, siting and orientation in order to conserve energy and water resources."*
- 5.3 Local Planning Guidance Note 20 sets out guidance on house extensions throughout the borough.

## 6. Planning considerations

- 6.1 In this section, we address the following:
1. The principle of the development;
  2. Scale, design and use of materials;

3. Character of the existing dwelling; and
4. Character of the local area.

### **The Principle of the Development**

- 6.2 It is proposed that the development would be compliant with policy GDP1a) of the Wrexham Unitary Development Plan as well as with all relevant national policy. Policy GDP1a) states that all new development should:

*"Ensure that built development in its scale, design and layout, and in its use of materials and landscaping, accords with the character of the site and makes a positive contribution to the appearance of the nearby locality."*

- 6.3 The reason or refusing the application is as follows:

*"The proposed development will have a detrimental impact upon the character and appearance of the building by virtue of the introduction of dormer windows which would result in a cluttered roof scape to the detriment of the appearance of the front elevation of the building. The development therefore conflicts with GDP1a) of the Wrexham Unitary Development Plan".*

- 6.4 As stated in the planning case submitted as part of the original application, the proposed windows would be compliant with GDP1a) of the local plan in that its scale, design, layout, use of materials and landscaping would accord with the character of the existing dwelling and local area. We assess each relevant element of this policy below:

#### **Scale, design and use of materials**

- 6.5 The removal of two first floor windows and their replacement with three modest dormers is not considered to be inappropriate in scale. The existing windows are 1.2m wide and 1.1m high. The new window would be the same width and height but set above floor level. Given that the principal elevation of this substantial dwelling is 24m wide, and has a variety of windows and door openings, the alterations are considered de minimus and are not offensive in terms of Policy LP13. The design would be sympathetic to the existing windows, and would look to maintain the existing vernacular. Materials would be reused to preserve the character of the existing dwelling.

### **Character of the existing dwelling**

- 6.6 The dwelling already benefits from dormer windows approved as part of application P/2012/0299. This application was determined in the context of the dwelling being a former agricultural building, and was therefore subject to LPG13 which states that alterations to former agricultural buildings should be limited in order to preserve the traditional appearance of the building. The case officer considered in his committee report (EP3) that allowing the dormers would not lead to an undesirable precedent as other elevations are more prominent and would result in detrimental harm to the character of the building, as set out in LPD13.
- 6.7 However, as stated in the planning history section, planning application P/2015/0004 (Removal of Condition 5 of planning permission code no P/2003/0375 to allow removal of permitted development rights restriction) was approved on 10 February 2015 (EP4). In her officer report, the case officer stated the following:

*"Planning permission was granted for conversion of the redundant building into residential in 2003. At that time it was considered necessary to attach a condition which removed permitted development rights. This was to protect the original character of the building and safeguard against insensitive and unsympathetic extension and additions.*

*Since that time a number of extensions and alterations have been carried out which have led to the loss of the original character of the building, and the building now has the character and appearance of a modern dwelling. As such I do not consider a need to protect the appearance of the dwelling, and the condition is no longer necessary."*

- 6.8 Wrexham Borough Council has formally acknowledged that the original agricultural character of the dwelling has been lost through the various planning permissions granted. Accordingly, any requirements as set out in LPG13 subsequently fall away, as that policy relates to the protection of traditional features of agricultural buildings. The character of the building is that of a modern dwelling which already benefits from dormer windows. Therefore, the proposals accord with the character of the existing dwelling. The dormers themselves have been specifically designed by the appellant's architect to be appropriate to the host dwelling. The eaves are slightly raised and are parallel to the existing eaves.

### **Character of the local area**

- 6.9 The character of the local area is rural, with a small number of residential dwellings sporadically located along Brymbo Road to the east and west. There is no strongly defined house type along this stretch of highway, with styles varying from small cottages with a mixture of traditional and dormer windows, to farmhouses and converted agricultural buildings. The modest proposals would therefore not harm the character of the local area, particularly in light of the dwelling being well screened and set considerably back from Brymbo Road. Other properties are very prominent, particularly the house at the front and the converted former mine building to the east.

### **Other related matters**

#### **Appeal Decision APP/H6955/A/13/2203058**

- 6.10 This appeal was submitted following the refusal of planning application P/2013/0332 for an amendment to planning permission P2012/0864. The amendment was for the substitution of a rooflight serving an en-suite for a dormer window on the north elevation of The Barn. The Inspector considered the main issue to be the effect of the development on the character and appearance of the existing building. The appeal was allowed (EP5).
- 6.11 The Inspector states in paragraph 3 of the decision that the agricultural origins of the dwelling are not dominant due to alterations and extensions that have taken place. He states in paragraph 5 that the use of dormers has already been established, and that there is no regular pattern to the existing dormer windows. This accords with comments made by the case officer when removing the planning condition restricting permitted development rights, and adds further weight to our case that the appeal proposal would not harm the character of the existing dwelling.
- 6.12 The crucial paragraph pertinent to this appeal however is paragraph 6, which states that:

*"The Council is also concerned that the number of dormer windows would result in a cluttered roofspace. Whilst a total of five dormer windows on a single roof plane might seem excessive, I am satisfied that this number would be easily accommodated within the roof plane which is of significant length. In addition the siting of the dormers in two pairs and a single at irregular intervals would not give rise to a cluttered appearance to this elevation."*

- 6.13 The Inspector considered that 5 dormer windows in an 18.6m wide elevation would not amount to a cluttered roofscape. The appeal proposal is for 3 dormer windows in an elevation which is 24m wide and also benefits from permission for a 5.5m wide side extension. In addition, the dormers allowed on appeal have full pitched roofs. These proposed on the east elevation are mono-pitched, which is a more sympathetic way of introducing dormers into a more 'traditional' type of dwelling. On this basis, the appeal proposals cannot constitute cluttering. Therefore, a key reason for refusing the original application is incorrect and has not considered the planning history of the site.

#### **Local Planning Guidance Note 20**

- 6.14 Whilst it is conceded that Local Planning Guidance Note 20 states that dormer windows should not normally be incorporated into front elevations, it is considered that the appeal proposals are an exception to this guidance. As stated previously, the front elevation is not a traditional one, as it does not front onto or face a highway, and is considerably set back from Brymbo Road. Furthermore, the property is well screened by the original farmhouse. The modest appeal proposals would therefore have minimal impact upon the amenity of neighbours and the wider local area, but would significantly improve the amenity and energy efficiency of the dwelling itself.

#### **Fallback position**

- 6.15 The officer report states that the proposals would result in *"in a cluttered roof scape to the detriment of the appearance of the front elevation of the building"*. However, following the approval of planning application P/2015/0004, the appellant benefits from full permitted development rights.
- 6.16 Section B of 'Planning: a guide for householders (Version 2 - April 2014)' states that provided certain criteria is met, rooflights would not require planning permission. The appellant could therefore lawfully insert any number of rooflights in the front elevation. This would be significantly more than three, considering the elevation is 24m wide. This would present a significantly more cluttered roofscape than the modest changes proposed by the appeal proposal, and would remove the element of control from the Council.
- 6.17 As the dormers are required to improve the appellant's amenity – the current first floor windows are at floor level - he would have no option other than to pursue alternatives under permitted development.

## 7. Summary and conclusions

- 7.1 This statement is submitted as part of an appeal made against the refusal of planning application P/2015/0957 at The Barn, Pentre Saeson Farm, Brymbo Road, Bwlchgwyn, Wrexham, LL11 5TY.
- 7.2 The conduct of Wrexham Borough Council in determining this application amounts to unreasonable behaviour.
- 7.3 The proposals would be compliant with policy GDP1a) of the Wrexham Unitary Development Plan in that the design, scale and materials would accord with the character of the site and would not be harmful to the appearance of the nearby locality.
- 7.4 The fallback position would constitute a significantly more cluttered roofscape than the modest appeal proposals, which was the case officer's primary reason for refusal.
- 7.5 We therefore respectfully request that this appeal is allowed.

## 8. Appendices

- EP1. P/2015/0957 – Decision notice and Officer's Report
- EP2. Email correspondence between Emery Planning and Wrexham Borough Council
- EP3. P/2012/0299 – Committee report
- EP4. P/2015/0004 – Decision notice and Officer's Report
- EP5. Appeal Decision APP/H6955/A/13/2203058

EP1

## P/2015/0957 - Sharon Holman

| CONSULTATION RESPONSES  | Objects | No Objection | Comments | Accepts/ Supports | No reply  |
|-------------------------|---------|--------------|----------|-------------------|-----------|
| Community Council       |         |              |          |                   | <b>x</b>  |
| Local member(s)         |         |              |          | <b>x</b>          |           |
| Highways                |         |              |          |                   | <b>na</b> |
| Public Protection       |         |              |          |                   | <b>na</b> |
| Natural Resources Wales |         |              |          |                   | <b>na</b> |
| Welsh Water             |         |              |          |                   | <b>na</b> |
| Other                   |         |              |          |                   | <b>na</b> |
| Neighbours              |         |              |          |                   | <b>x</b>  |

|                   |                                                      |
|-------------------|------------------------------------------------------|
| <b>KEY ISSUES</b> | Summary of Relevant History <u>(See SX3 History)</u> |
| Action required   | Committee <b>No</b>                                  |

### PLANNING POLICY/CONSTRAINTS

| UDP NOTATION                         | YES      | ACCEPTABLE | NOT ACCEPTABLE |
|--------------------------------------|----------|------------|----------------|
| Outside settlement                   | <b>x</b> |            | <b>x</b>       |
| Inside settlement                    |          |            |                |
| Conservation Area                    |          |            |                |
| Listed Building/ setting             |          |            |                |
| Green Barrier                        |          |            |                |
| Special Landscape Area               |          |            |                |
| Flood Risk                           |          |            |                |
| Within Buffer Zone or affecting SAC* |          |            |                |
| World Heritage Site                  |          |            |                |
| AONB                                 |          |            |                |
| Other                                |          |            |                |

| LPGN's No. | Title                   | ACCEPTABLE | NOT ACCEPTABLE |
|------------|-------------------------|------------|----------------|
| <b>20</b>  | <b>House Extensions</b> |            | <b>x</b>       |
|            |                         |            |                |
|            |                         |            |                |

| KEY ISSUES          | Acceptable | Observations below | Conditions Required | Not Acceptable | N/A      |
|---------------------|------------|--------------------|---------------------|----------------|----------|
| Residential Amenity | <b>x</b>   |                    |                     |                |          |
| Design* (see below) |            | <b>x</b>           |                     | <b>x</b>       |          |
| Accessibility*      |            |                    |                     |                | <b>x</b> |
| Highway safety      |            |                    |                     |                | <b>x</b> |
| Parking             |            |                    |                     |                | <b>x</b> |
| Conservation/LB     |            |                    |                     |                | <b>x</b> |
| Ecology             | <b>x</b>   |                    | <b>x</b>            |                |          |
| Landscaping         |            |                    |                     |                | <b>x</b> |
| Other               |            |                    |                     |                | <b>x</b> |

## OBSERVATIONS:

Proposed are alterations to the first floor windows on the front elevation of the previously converted barn. Although the building now has the appearance less of a converted barn and more of a modern dwelling, the alterations and number of dormers proposed are unacceptable and would result in a cluttered roof scape to the detriment of the appearance of the front elevation of the building.

| Recommend Refusal | Summary of Reasons       | LM(s) Notified of Delegated refusal? (Include any response)                     |  |
|-------------------|--------------------------|---------------------------------------------------------------------------------|--|
| x                 | Character and appearance | Councillor Kelly contacted on 18 January 2015 – confirmed no issues either way. |  |

In pursuance of its powers under the Acts and Orders referred to below, the County Borough Council as Local Planning Authority, hereby determines your application in accordance with the particulars and plans comprising the application

|                  |                                                                                                                                      |                      |                 |
|------------------|--------------------------------------------------------------------------------------------------------------------------------------|----------------------|-----------------|
| <b>Applicant</b> | MR GEOFF FIELDING                                                                                                                    | <b>Code Number</b>   | BRY P/2015/0957 |
| <b>Agent</b>     | EMERY PLANNING PARTNERSHIP LTD<br>ALISON FREEMAN<br>2-4<br>SOUTH PARK COURT<br>HOBSON STREET<br>MACCLESFIELD<br>CHESHIRE<br>SK11 8BS | <b>Date Received</b> | 18/12/2015      |
|                  |                                                                                                                                      | <b>Decision Date</b> | 19/01/2016      |

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### **Town and Country Planning Act, 1990**

#### **Location of application**

THE BARN, PENTRE SAESON FARM, BRYMBO ROAD, BWLCHGWYN,  
WREXHAM, LL11 5TY

#### **Description of application**

REMOVAL OF 2 EXISTING FIRST FLOOR WINDOWS AND  
REPLACEMENT WITH 3 NEW FIRST FLOOR WINDOWS INCLUDING  
ALTERATIONS TO ROOF

In reaching this decision the Council has had regard to the relevant policies in the Wrexham Unitary Development Plan which are the following:-

GDP1                      Development objectives

#### **Particulars of decision that permission be REFUSED**

#### **Reason(s)**

1. The proposed development will have a detrimental impact upon the character and appearance of the building by virtue of the introduction of dormer windows which would result in a cluttered roof scape to the detriment of the appearance of the front elevation of the building. The development therefore conflicts with Policy GDP1a) of the Wrexham Unitary Development Plan.

**Applicant** MR GEOFF FIELDING

**Code Number** BRY P/2015/0957

**Agent** EMERY PLANNING PARTNERSHIP LTD  
ALISON FREEMAN  
2-4  
SOUTH PARK COURT  
HOBSON STREET  
MACCLESFIELD  
CHESHIRE  
SK11 8BS

**Date Received** 18/12/2015

**Decision Date** 19/01/2016



**Officer Appointed for this purpose**  
**Head of Community Wellbeing and Development**

**Refer to the Statement of Applicant's Rights and General Information enclosed or refer to the following link:-**

**[http://www.wrexham.gov.uk/english/planning\\_portal/publications/info\\_sheets.htm](http://www.wrexham.gov.uk/english/planning_portal/publications/info_sheets.htm)**

EP2

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**From:** Sharon Holman <Sharon.Holman@wrexham.gov.uk>  
**Sent:** 21 January 2016 10:35  
**Subject:** RE: Planning application: P/2015/0957 - The Barn, Pentre Saeson Farm  
**Attachments:** 30006.pdf

Hi Shaun,

No consultation/notification responses/objections were received. Please see attached report.

Best wishes  
Sharon

---

**From:** Shaun Gaffey [mailto:SGaffey@emeryplanning.com]  
**Sent:** 21 January 2016 10:03  
**To:** Sharon Holman  
**Subject:** RE: Planning application: P/2015/0957 - The Barn, Pentre Saeson Farm

Morning Sharon,

Can you tell me if there were any objections to the proposed scheme? There isn't anything on the website but thought I'd double check. I'd also be grateful if you could send over an electronic copy of the officer report.

Kind regards,

Shaun

**Shaun Gaffey MTCP (Hons)**  
Assistant Consultant

Tel: 01625 433 881  
Fax: 01625 511 457  
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---

**From:** Sharon Holman [mailto:Sharon.Holman@wrexham.gov.uk]  
**Sent:** 20 January 2016 12:34  
**To:** Shaun Gaffey  
**Subject:** RE: Planning application: P/2015/0957 - The Barn, Pentre Saeson Farm

Hi Shaun,

I will send it to you later today.

Regards

Sharon

---

**From:** Shaun Gaffey [<mailto:SGaffey@emeryplanning.com>]  
**Sent:** 20 January 2016 11:27  
**To:** Sharon Holman  
**Subject:** RE: Planning application: P/2015/0957 - The Barn, Pentre Saeson Farm

Hi Sharon,

The decision notice is now on the website so I have a copy of that. Could you please send me an electronic copy of the officer report?

Many thanks,

Shaun

**Shaun Gaffey MTCP (Hons)**  
Assistant Consultant

Tel: 01625 433 881  
Fax: 01625 511 457  
Direct dial: 01625 442 740  
Mob: 07889 812 533

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---

**From:** Sharon Holman [<mailto:Sharon.Holman@wrexham.gov.uk>]  
**Sent:** 20 January 2016 09:14  
**To:** Shaun Gaffey  
**Subject:** Planning application: P/2015/0957 - The Barn, Pentre Saeson Farm

Hi Shaun,

Sorry to disappoint. My previous email was an indication that there were no negative consultation responses on file and was not an indication of my recommendation. Apologies for any confusion.

The decision has already been made (the web may not have updated yet) and will be with you shortly.

Kind regards  
Sharon

---

**From:** Shaun Gaffey [<mailto:SGaffey@emeryplanning.com>]  
**Sent:** 20 January 2016 09:06  
**To:** Sharon Holman  
**Subject:** RE: Planning application: P/2015/0957 - The Barn, Pentre Saeson Farm

Good morning Sharon,

This is extremely disappointing considering you were looking to approve the application last week. Would you be able to tell me why you've changed your mind?

I've checked the online system and the application is still pending. Would it therefore be possible to discuss this before you issue the decision? The determination deadline is not until 16 February – this leaves plenty of time to discuss all the options available to us.

I'd appreciate it if you could get back to me on this as soon as possible.

Kind regards,

Shaun

**Shaun Gaffey MTCP (Hons)**  
Assistant Consultant

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Hobson Street  
Macclesfield  
SK11 8BS

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Emery Planning Partnership Ltd trading as  
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**From:** Sharon Holman [<mailto:Sharon.Holman@wrexham.gov.uk>]  
**Sent:** 20 January 2016 07:56  
**To:** Shaun Gaffey  
**Subject:** FW: Planning application: P/2015/0957 - The Barn, Pentre Saeson Farm

Hi Shaun,

I have now discussed the application with the planning manager and advise you that the proposal is not supported. The application has now been determined and planning permission refused. The decision notice and associated documents are on the way to you.

Kind regards  
Sharon

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**From:** Sharon Holman  
**Sent:** 15 January 2016 15:26  
**To:** 'Shaun Gaffey'  
**Subject:** RE: Planning application: P/2015/0957 - The Barn, Pentre Saeson Farm

Hi Shaun,

No issues with this application. All being well, I am looking to issue the decision by 22 Jan 2016.

Kind regards  
Sharon

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**From:** Shaun Gaffey [<mailto:SGaffey@emeryplanning.com>]  
**Sent:** 15 January 2016 15:12  
**To:** Sharon Holman  
**Subject:** Planning application: P/2015/0957 - The Barn, Pentre Saeson Farm

Hi Sharon,

Have you had an opportunity to look at this application yet? I'd appreciate it if you would get back to me with your initial thoughts so I can update my client.

Feel free to call me on my direct dial if you would prefer to discuss on the telephone.

Kind regards,

Shaun

**Shaun Gaffey MTCP (Hons)**  
Assistant Consultant

Tel: 01625 433 881  
Fax: 01625 511 457  
Direct dial: 01625 442 740  
Mob: 07889 812 533



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Ewch i weld - mi fedrwch chi dalu, anfon, ceisio, dweud eich dweud, a dod o hyd i wybodaeth ar-lein yn [www.wrecsam.gov.uk](http://www.wrecsam.gov.uk). Arbedwch bapur meddylwch cyn argraffu!

Mae'r neges e-bost hon ac unrhyw atodiadau wedi eu bwriadu ar gyfer yr unigolyn neur sefydliad y cyfeirir atynt yn unig. Am yr amodau llawn ynglyn a chynnwys a defnyddior neges e-bost hon ac unrhyw atodiadau, cyfeiriwch i [http://www.wrecsam.gov.uk/top\\_navigation/disclaimersw.htm](http://www.wrecsam.gov.uk/top_navigation/disclaimersw.htm)

EP3

In pursuance of its powers under the Acts and Orders referred to below, the County Borough Council as Local Planning Authority, hereby determines your application in accordance with the particulars and plans comprising the application



|                  |                                                                                                                          |                      |                 |
|------------------|--------------------------------------------------------------------------------------------------------------------------|----------------------|-----------------|
| <b>Applicant</b> | MR G FIELDING                                                                                                            | <b>Code No</b>       | BRY P/2012/0299 |
| <b>Agent</b>     | PARRY DAVIES ARCHITECTS LTD<br>MR R GRATTON<br>BARCLAYS BUILDINGS<br>HIGH STREET<br>ST ASAPH<br>DENBIGHSHIRE<br>LL17 0RF | <b>Date Received</b> | 23/04/2012      |
|                  |                                                                                                                          | <b>Decision Date</b> | 11/06/2012      |

### TOWN AND COUNTRY PLANNING ACT, 1990

#### **Location of application**

THE BARN, PENTRE SAESON FARM, BRYMBO ROAD, BWLCHGWYN, WREXHAM, LL11 5TY

#### **Description of application**

INSERTION OF 3 NO. DORMER WINDOWS (AMENDMENT TO PREVIOUSLY APPROVED SCHEME CODE NO. P/2003/0375) (IN RETROSPECT)

In reaching this decision the Council has had regard to the relevant policies in the Wrexham Unitary Development Plan which are as follows:-

|      |                                 |
|------|---------------------------------|
| GDP1 | Development objectives          |
| PS2  | Development and the environment |
| T8   | Parking                         |

#### **Particulars of decision that permission be GRANTED**

**Officer Appointed for this purpose**  
**Head of Community Wellbeing and Development**

**Refer to the Statement of Applicant's Rights and General Information Enclosed**

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**P/2015/0004**

**Sharon Holman**

| <b>CONSULTATION RESPONSES</b> | Objects |  | No Objection |  | Comments |  | Accepts/ Supports |  | No reply |   |
|-------------------------------|---------|--|--------------|--|----------|--|-------------------|--|----------|---|
| Community Council             |         |  |              |  |          |  |                   |  |          | ✓ |
| Local member                  |         |  |              |  |          |  |                   |  | ✓        |   |
| Neighbours                    |         |  |              |  |          |  |                   |  |          | ✓ |

| <b>KEY ISSUES</b> | Summary of Relevant History (See SX3 History)<br><b>P/2003/0725 – Conversion of building - Granted</b> |
|-------------------|--------------------------------------------------------------------------------------------------------|
| Action required   | Committee <b>No</b>                                                                                    |

**PLANNING POLICY/CONSTRAINTS**

| <b>UDP NOTATION</b>                  | <b>YES</b> | <b>ACCEPTABLE</b> | <b>NOT ACCEPTABLE</b> |
|--------------------------------------|------------|-------------------|-----------------------|
| Outside settlement                   | ✓          | ✓                 |                       |
| Inside settlement                    |            |                   |                       |
| Conservation Area                    |            |                   |                       |
| Listed Building/ setting             |            |                   |                       |
| Green Barrier                        |            |                   |                       |
| Special Landscape Area               |            |                   |                       |
| Flood Risk                           |            |                   |                       |
| Within Buffer Zone or affecting SAC* |            |                   |                       |
| World Heritage Site                  |            |                   |                       |
| AONB                                 |            |                   |                       |
| Other                                |            |                   |                       |

| <b>LPGN's No.</b> | <b>Title</b>                          | <b>ACCEPTABLE</b> | <b>NOT ACCEPTABLE</b> |
|-------------------|---------------------------------------|-------------------|-----------------------|
| <b>13</b>         | <b>Housing in the Countryside</b>     | ✓                 |                       |
| <b>3</b>          | <b>Converting redundant buildings</b> | ✓                 |                       |
|                   |                                       |                   |                       |
|                   |                                       |                   |                       |

| <b>KEY ISSUES</b>   | <b>Acceptable</b> | <b>Observations below</b> | <b>Conditions Required</b> | <b>Not Acceptable</b> | <b>N/A</b> |
|---------------------|-------------------|---------------------------|----------------------------|-----------------------|------------|
| Residential Amenity |                   |                           |                            |                       | ✓          |
| Design* (see below) | ✓                 | ✓                         |                            |                       |            |
| Accessibility*      |                   |                           |                            |                       |            |
| Highway safety      |                   |                           |                            |                       | ✓          |
| Parking             | ✓                 |                           |                            |                       |            |
| Conservation/LB     | ✓                 |                           |                            |                       |            |
| Ecology             | ✓                 |                           |                            |                       |            |
| Landscaping         |                   |                           |                            |                       | ✓          |
| Other               |                   |                           |                            |                       | ✓          |

| <b>Design Statement*</b> | <b>Yes</b> | <b>No</b> | <b>Comments</b> |
|--------------------------|------------|-----------|-----------------|
| DAAS Acceptable          | x          |           |                 |
| Design Justified         | x          |           |                 |
| Design Acceptable        | x          |           |                 |

\*Refer to DAAS document on SX3 if applicable

## **OBSERVATIONS:**

Planning permission was granted for conversion of the redundant building into residential in 2003. At that time it was considered necessary to attach a condition which removed permitted development rights. This was to protect the original character of the building and safeguard against insensitive and unsympathetic extension and additions.

Since that time a number of extensions and alterations have been carried out which have led to the loss of the original character of the building, and the building now has the character and appearance of a modern dwelling. As such I do not consider a need to protect the appearance of the dwelling, and the condition is no longer necessary.

Further, the site is not located within green barrier or a special landscape area. As the rear garden is well screened, the erection of ancillary structures (as would be permitted development) in this area would not cause significant harm to the visual amenities of the area.

## **RECOMMENDATION SUMMARY**

| <b>Recommend Grant</b> | <b>Without Conditions</b> | <b>With Conds.</b> | <b>Refer to Cadw</b> | <b>S106</b> | <b>Notes</b> |
|------------------------|---------------------------|--------------------|----------------------|-------------|--------------|
| ✓                      |                           | ✓                  |                      |             | ✓            |

In pursuance of its powers under the Acts and Orders referred to below, the County Borough Council as Local Planning Authority, hereby determines your application in accordance with the particulars and plans comprising the application

|                  |                                                                                                                                            |                      |                 |
|------------------|--------------------------------------------------------------------------------------------------------------------------------------------|----------------------|-----------------|
| <b>Applicant</b> | MR GEOFF FIELDING                                                                                                                          | <b>Code No</b>       | BRY P/2015/0004 |
| <b>Agent</b>     | EMERY PLANNING<br>PARTNERSHIP LTD<br>MRS ALISON FREEMAN<br>2 - 4 SOUTH PARK COURT<br>HOBSON STREET<br>MACCLESFIELD<br>CHESHIRE<br>SK11 8BS | <b>Date Received</b> | 06/01/2015      |
|                  |                                                                                                                                            | <b>Decision Date</b> | 10/02/2015      |

**Town and Country Planning Act, 1990**  
**Section 73**

**Location of application**

THE BARN, PENTRE SAESON FARM, BRYMBO ROAD, BWLCHGWYN  
WREXHAM, LL11 5TY

**Description of application**

REMOVAL OF CONDITION 5 OF PLANNING PERMISSION CODE NO  
P/2003/0375 TO ALLOW REMOVAL OF PERMITTED DEVELOPMENT  
RIGHTS RESTRICTION

In reaching this decision the Council has had regard to the relevant policies in the Wrexham Unitary Development Plan which are as follows:-

|      |                                                        |
|------|--------------------------------------------------------|
| GDP1 | Development objectives                                 |
| H3   | Residential conversion of buildings outside settlement |
| PS2  | limits                                                 |
|      | Development and the environment                        |

**Particulars of decision that permission be GRANTED**  
**Subject to the following:-**



**Officer Appointed for this purpose**  
**Head of Community Wellbeing and Development**

**Refer to the Statement of Applicant's Rights and General Information enclosed or refer to the following link:-**

**[http://www.wrexham.gov.uk/english/planning\\_portal/publications/info\\_sheets.htm](http://www.wrexham.gov.uk/english/planning_portal/publications/info_sheets.htm)**

EP5

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## **Penderfyniad ar yr Apêl**

Ymweliad â safle a wnaed ar 05/09/13

**gan Kay Sheffield BA(Hons) DipTP  
MRTPI**

**Arolygydd a benodir gan Weinidogion Cymru  
Dyddiad: 04/10/13**

## **Appeal Decision**

Site visit made on 05/09/13

**by Kay Sheffield BA(Hons) DipTP MRTPI**

**an Inspector appointed by the Welsh Ministers  
Date: 04/10/13**

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**Appeal Ref: APP/H6955/A/13/2203058**

**Site address: The Barn, Pentre Saeson, Brymbo Road, Bwlchgwyn, Wrexham,  
LL11 5TY**

**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 Geoff Fielding against the decision of Wrexham County Borough Council.
  - The application Ref P/2013/0332, dated 9 May 2013, was refused by notice dated 24 July 2013.
  - The development proposed is the amendment to planning permission Ref: P/2012/0864 for a two storey extension by the substitution of a roof light serving an en-suite for a dormer window.
- 

### **Decision**

1. The appeal is allowed and planning permission is granted for the amendment to planning permission Ref: P/2012/0864 for a two storey extension by the substitution of a roof light serving an en-suite for a dormer window at The Barn, Pentre Saeson, Brymbo Road, Bwlchgwyn, Wrexham, LL11 5TY in accordance with the terms of the application, Ref P/2013/0332, dated 9 May 2013, subject to the following conditions:
  - 1) The development hereby permitted shall begin not later than five years from the date of this decision.
  - 2) The development hereby permitted shall be carried out in accordance with the following approved plan: Drawing No. 12113 (PL) 002.
  - 3) The materials to be used in the construction of the external surfaces of the extension hereby permitted shall match those used in the existing building.

### **Main Issue**

2. The main issue is the effect of the development on the character and appearance of the existing building.

### **Reasons**

3. The appeal property is a large detached former agricultural building which has been converted into a residential dwelling with a separate garage. The dwelling is a two storey stone property under a slate roof set back from the road within a large landscaped plot in open countryside. Whilst it would appear from the front of the

property that regard was given in its conversion to the character of the former building by the use of original openings, it is clear from the planning history of the site that subsequent alterations and extensions have taken place to the extent that its agricultural origins are not dominant in the external appearance of the building or its setting.

4. The existing building contains three dormers to the northern elevation which from the planning history of the site would appear to have been allowed in retrospect in 2012 (Application ref: P/2012/0299). The scheme for the two storey extension for which the Council granted planning permission (Application Ref: P/2012/0864) contains a dormer and a roof light on the northern elevation and it is substitution of this roof light with a dormer window which is the subject of the appeal.
5. The Council contends that a dormer window in lieu of a roof light would introduce a more uniformed appearance uncommon with the character and rural nature of the building, although no explanation of the reasoning behind this conclusion has been given. I agree with the Council that dormer windows are not normally found on agricultural buildings and I note that Local Planning Guidance Note 3: Converting Rural Buildings (LPG3) states that their installation will be discouraged unless there is a clear precedent for their use on traditional buildings in the locality. However the use of dormers on the existing building has already been established and has been permitted on the proposed extension. Moreover, there is no regular pattern to the existing dormer windows and I am not convinced that the introduction of a fifth to a roof plane which already contains three and has permission for a fourth would create a uniform appearance.
6. The Council is also concerned that the number of dormer windows would result in a cluttered roof space. Whilst a total of five dormer windows on a single roof plane might seem excessive, I am satisfied that this number would be easily accommodated within the roof plane which is of a significant length. In addition the siting of the dormers in two pairs and a single at irregular intervals would not give rise to a cluttered appearance to this elevation.
7. On the evidence before me I therefore conclude that the substitution of the roof light allowed in the permitted scheme for a dormer window would not be detrimental to the character and appearance of the building, in accordance with Policies GDP1 and H3 of the Wrexham Unitary Development Plan, 2005 and LPG3. Whilst the Council also cited Local Planning Guidance Note 13: Housing in the Countryside in its reason for refusing planning permission, no reference to this document or relevant extract from it has been submitted as part of the Council's case and I have therefore had no regard to it in reaching my decision.
8. I have had regard to the Council's suggested conditions in the light of Circular 35/95 *The Use of Conditions in Planning Permissions*. I have imposed the standard condition regarding the commencement of the development and for the avoidance of doubt and in the interests of proper planning I have confirmed the drawings on which my decision is based. In order to ensure the development is in keeping with the building I have also required the use of materials to match the existing dormers.
9. For the reasons given above, and having had regard to all other matters raised, the appeal is therefore allowed.

*Kay Sheffield*