



## Penderfyniad ar yr Apêl

## Appeal Decision

Ymweliad â safle a wnaed ar 13/06/13

Site visit made on 13/06/13

**gan Robert Gardener BSc (TownPlan)  
MRTPI**

**by Robert Gardener BSc (TownPlan)  
MRTPI**

**Arolygydd a benodir gan Weinidogion Cymru**

**an Inspector appointed by the Welsh Ministers**

**Dyddiad: 24/7/13**

**Date: 24/7/13**

**Appeal Ref: APP/H6955/A/13/2195526**

**Site address: Worthenbury Arms, Church Street, Worthenbury, Wrexham LL13 0GA**

**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 P Foxall (Graham Walker Properties Ltd) against the decision of Wrexham County Borough Council.
- The application Ref WOR P/2012/0752, dated 26/10/2012, was refused by notice dated 04/03/2013.
- The development proposed is "alterations, extensions and conversion/change of use of public house into 5 residential units".

### Decision

1. The appeal is allowed and planning permission is granted for alterations, extensions and conversion/change of use of public house into 5 residential units at Worthenbury Arms, Church Street, Worthenbury, Wrexham LL13 0GA in accordance with the terms of the application, Ref WOR P/2012/0752, dated 26/10/2012, and the plans submitted with it, subject to the conditions listed below.

### Procedural matters

2. It is apparent that considerable discussion and negotiation took place before the application was determined. As a result alternative schemes were submitted, notably to replace a proposed 2-storey side extension with a single storey alternative together with re-arranged frontages and reduced car parking. These changes are reflected in local responses to consultations, particularly in regard to car parking provision.
3. In the event, the final scheme presented, on 14/01/2013, and determined is that shown on drawing No. 6726/L(2)01E. This retained the 2-storey side extension and the frontage car parking. It is this scheme that I have considered.

### Main Issue

4. This is whether or not the proposal, including its effect on the existing building, would either preserve or enhance the character or appearance of the Worthenbury Conservation Area.

## Reasons

5. It seems that the Worthenbury Arms ceased to serve as a public house for the village in 2007. Planning permission had already been granted in 2005 for the development of 4 dwellings on a large part of its car park, as was the conversion of about half of the public house to residential. In any event, planning permission was granted, on appeal<sup>1</sup>, in 2010 for its complete conversion to 2 residential units. As I saw, the 4 dwelling have been constructed but neither of the conversion schemes has been implemented. However, while it had been hoped that the earlier approvals might have ensured the retention of the public house, its loss has now been accepted following the 2010 Appeal Decision. Possible conflict with Policy S9 of the Wrexham Unitary Development Plan 1996-2011, which seeks the retention of such local facilities, is no longer a determining issue in this case.
6. The policy context in the current case is principally Policy EC7. This requires that, for instance, alterations or additions to existing buildings in conservation areas must reflect the design and character of the area as a whole and the form, scale, detailing and materials of the existing building. This is supported by the more generally applicable development objectives given in Policy GDP1. In any event, there is a statutory requirement set out at s172(1)<sup>2</sup> that regard must be had to the desirability of preserving or enhancing the character or appearance of conservation areas.
7. The proposal for 5 residential units – in fact 5 dwellinghouses – would retain the front, main and most conspicuous parts of the existing 2-storey building. As is often the case, the original building was added to incrementally and not altogether in a visually satisfactory manner. The proposed removal of a range of mainly single storey, flat-roofed extensions at the side and rear would helpfully restore the prominence and primacy of the main building to be retained. However, substantial additions are intended in order to accommodate the number of units proposed. These would be in 2 parts – a 2-storey rear range paralleling that of the front main block and a 2-storey side extension, both occupying the footprint of existing extensions to be removed.
8. The refusal refers specifically to the effect of the side extension. Indeed, the application report accepts that the rear extension would not be readily visible from main public vantage points and would be sympathetic to the overall character and appearance of the existing building. Although I consider the rear elevation to be repetitive and mundane, I have no cause not to accept this assessment. The side extension would in fact provide a complete new dwelling, the other 4 being contained in the converted and extended public house. This, the Council contends, would overly elongate the front elevation.
9. The building is identified as one having visual interest in the Worthenbury Conservation Area Assessment and Management Plan. In view of its scale and prominent position, and despite the alterations it has suffered, that is clearly so. It is also identified as being within a distinct character area, one of four such sub-divisions of the conservation area. As I have said, the side extension would occupy essentially the same footprint as an existing inappropriate single storey extension. However, since it would be 2-storeys high it would inevitably increase the apparent bulk and frontage of the building. Elsewhere, both within and adjoining the conservation area,

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<sup>1</sup> Appeal decision ref: APP/H6955/A/10/2120581

<sup>2</sup> Of the Planning (Listed Buildings and Conservation Areas) Act 1990

there are terraces of cottages and modest dwellings, some relatively new. Such frontages are not unusual in the streetscene when passing along the principal village street (B5069) and are comparable in length to the extended building now proposed. I accept that that is not the case within this character area but the overall frontage would not be out of keeping with the range of building blocks which contribute to the qualities of the conservation area taken as a whole.

10. Moreover, at first floor level the side extension would be set back from the existing front main wall. This would disrupt and disguise the added frontage length, as would the front lean-to entrance lobby shared between 2 of the dwellings. The set back would also avoid a continuous roof and roof ridge extending from that of the original building. While the Council criticises the different roof pitch and eaves proposed, the combination of design features would ensure that the original building remains identifiable and help to avoid over-extending the frontage by repetition or duplication.
11. The Council also criticises both the suggested parking spaces at the front of the dwellings and the manner in which the frontages would be formed. This surfaced area is currently a poor setting for the former public house, is already open to the highway and has clearly been used for casual parking, probably by users of the public house and others since. The Worthenbury Conservation Area Assessment and Management Plan identifies the need to improve the appearance of this area. As far as I could see on street parking is not extensively precluded in the village and the 2 spaces, within a lay-by, would not appear obtrusive and would provide less of a hindrance to the free flow of traffic. The proposal includes small front garden areas, similar to others in similarly prominent positions within the conservation area, which would be enclosed by low walls and railings. The pattern of enclosures would not be as simple as elsewhere but the overall effect would be both suitably in keeping but would be a considerable and welcome improvement over its existing appearance, as the Assessment and Management Plan intends.
12. On both considerations I have concluded that the scheme would preserve and, to a degree, enhance the special qualities of the Worthenbury Conservation Area. As such, it would satisfy both s172(1) and the requirements of Policies EC7 and GDP1.
13. The appellant has pointed out that the Council is currently unable to meet its 5-year Housing Land Availability commitment. Had I found harm to the conservation area, this deficiency would not have been a persuasive consideration. Nevertheless the contribution which the additional dwellings would make is a further positive factor.
14. I note the concern locally that the parking spaces to be provided to serve the number of units now proposed would be neither sufficient nor practical. If not, it is contended that parking would take place on the B5069, close to a bend, with consequent risk to highway safety, or in nearby roads to the inconvenience of existing residents. Policy T8 generally requires new development to provide car parking in accordance with the Council's standards, having special regard to such matters as the availability of public transport, local services and facilities and the consequences of on-street parking.
15. The Council's parking standards are explained in Local Planning Guidance Note 16. In this case, despite a taxi bus service, the village is not served by regular public transport nor are there significant local services or facilities. Consequently it is reasonable to assume that car ownership and usage is likely to be relatively high. Since effective control over their use is improbable, it is also entirely appropriate to treat the 'home offices' as bedrooms and the dwellings as 2-bed units. Even so, the final scheme proposed 10 spaces which accords with the maximum requirement for 2

spaces per dwelling of this type. Policy T8 is therefore complied with. Despite claims to the contrary, it is not clear to me that either grouped parking or frontage spaces would not be practical but could be ensured by condition. The Council does not object to this aspect of the scheme and I do not consider the criticisms sustainable.

16. I am aware of local feeling that, as the previous history of proposals illustrate, the number of dwellings proposed for the site of the original Worthenbury Arms units has grown incrementally at the cost of the loss of the public house. However, I have assessed the proposal on its merits, irrespective of previous schemes.
17. None of these matters outweigh those which led me to my underlying conclusion and I shall therefore grant planning permission.
18. As to conditions, the Council has provided a list of those it considers appropriate, which have not been responded to by the appellant. These include a requirement for samples of all external facing materials to be approved. Within conservation areas such as this careful control over such matters is usually justified. However, the scheme shows the intended materials, which would match the existing building. They have not been criticised in any of the submissions and in fact supported by some. Subject to a requirement that the proposal is carried out in accordance with the submitted details, I do not consider that this condition is necessary.
19. The remaining conditions all relate to highway matters. They specify such matters as visibility splays which the layout shown already appears to meet. Indeed, the officer report states that the access arrangements are acceptable, presumably without further change. Again, it is sufficient to ensure that the access, parking and turning facilities are in place in accordance with the submitted scheme before any of the dwellings are occupied.
20. A footway is shown across the frontage where currently there is none. Local residents contend that this area has some public usage rights but the Council has confirmed that it is not public highway. A condition is put forward requiring the footway to be completed to highway adoptable standards before the units are occupied. Whether or not it is to be adopted is a matter for the appellant or future developer. However, it is clearly intended to serve the development, since it gives access to the proposed dwellings. I shall therefore also require it to be put in place as the Council proposes but only that details of its construction are to be first agreed. This extends to the 2 frontage and other parking areas.
21. As to other matters possibly overlooked by the Council, block paving is proposed to the grouped parking but, unlike the materials for the building, are not specified. These will need to be agreed. Details of the boundary walls and railings are insufficient, as some local residents have pointed out. These will make an important contribution to the street frontage and I shall require details to be submitted and agreed. Landscaping is no more than indicative but is required to complement the proposal and will need to be resolved.
22. The proposed dwellings are tightly grouped, closely associated and on relatively small plots. Moreover, the site is in an exposed position within a conservation area. I consider that both the living conditions of future residents and the contribution made by the scheme to the conservation area could be damaged by future alterations or extensions which would otherwise be permitted development. I shall therefore remove such rights such that works of that nature would require an express grant of planning permission.

23. Finally, the Clwyd-Powys Archaeological Trust states that regional records suggest that the development has limited archaeological implications but that the building has local architectural significance such that a photographic record should be made before the development takes place. A condition is suggested to that effect, the situation accords generally with the guidance given in Circular 60/96<sup>3</sup>, which I shall follow.

*R G Gardener*

Inspector

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<sup>3</sup> Circular 60/96, Planning and the Historic Environment: Archaeology, paragraph 18

## Conditions

- 1) The development hereby permitted shall begin not later than five years from the date of this decision.
- 2) The development shall be carried out in complete accordance with the approved plans, including the use of the external facing and roofing materials specified, unless otherwise first agreed in writing by the local planning authority.
- 3) No development shall take place until full details of all walls and railings shown on the approved plans have been submitted to and approved in writing by the local planning authority. No dwelling shall be occupied until the walls and railings have been erected in complete accordance with the approved details.
- 4) No development shall take place until there has been submitted to and approved in writing by the local planning authority a scheme of landscaping, which shall include indications of all existing trees and hedgerows on the land, and details of any to be retained, together with measures for their protection in the course of development.
- 5) All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the local planning authority gives written approval to any variation.
- 6) No dwellings shall be occupied until the means of vehicular access and car parking has been constructed in accordance with the approved plans and with any details required by way of any conditions attached to this planning permission.
- 7) No development shall take place until full details of the construction and surfacing of the access and parking areas and of the footpath shown across the front of the site have been submitted to and approved in writing by the local planning authority. No dwelling shall be occupied until the parking areas and footpath have been put in place in complete accordance with the approved details.
- 8) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking, re-enacting or modifying that Order), no development permitted pursuant to Classes A, B and C of Part 1 of Schedule 2 of the 'Order' shall be carried out to any of the dwellings hereby approved without the prior written permission of the local planning authority.
- 9) No development shall take place until a photographic survey of the existing buildings on the site has been carried out in accordance with details to be submitted to and approved in writing. Such details shall include arrangements for the survey results to be recorded and made publicly available.