

Penderfyniad ar yr Apêl

Ymweliad â safle a wnaed ar 01/04/14

**gan Siân Worden BA DipLH MCD
MRTPI**

Arolygydd a benodir gan Weinidogion Cymru

Dyddiad: 15 Ebrill 2014

Appeal Decision

Site visit made on 01/04/14

by Siân Worden BA DipLH MCD MRTPI

an Inspector appointed by the Welsh Ministers

Date: 15 April 2014

Appeal Ref: APP/H6955/A/14/2211974

**Site address: Rhos Y Madoc House, 24 Wynnstay Court, Wynnstay Hall Estate,
Ruabon, Wrexham LL14 6LA**

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 grant of planning permission subject to conditions.
- The appeal is made by Mrs Heather Evans against the decision of Wrexham County Borough Council.
- The application Ref RUA P/2013/0615, dated 31 August 2013, was approved on 1 November 2013 and planning permission was granted subject to conditions.
- The development permitted is replacement windows.
- The condition in dispute is No 2 which states that: *The replacement windows shall in all respects be of the same design and finished with the same colour as those which are to be replaced in accordance with further specifications to be submitted to and approved by the Local Planning Authority before the windows are first installed.*
- The reason given for the condition is: *To ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area, which is adjacent to a listed building and grade 1 registered historic park and garden.*

Decision

1. The appeal is dismissed.

Main Issue

2. I consider that the main issue in this case is whether the disputed condition is necessary to preserve the character and appearance of the surrounding area which includes a listed building and historic park.

Reasons

3. The appeal property is a modern dwelling set within a complex of buildings close to the imposing, grade II* listed Wynnstay Hall. The appeal is against a condition imposed on permission for replacement windows at the property.
4. The Hall and its ancillary buildings form a fairly tight-knit group set within what is described in the listing description as an important landscaped park; the group value

of the Hall with estate buildings is also noted in this description. Following my site visit I agree with the previous inspectors¹ that the appeal property has a traditional appearance and that great care has obviously been taken in ensuring that the new development, of which it is a part, does not detract from the historic location.

5. Most of the ground floor windows at No. 24, which are proposed to be fitted with replacements, would not be visible from communal areas and none would be seen within the same field of view as the Hall or other listed buildings. Nonetheless, they play a small but essential role in maintaining the appropriate character of a group of buildings which affects the setting of those listed buildings. Again I agree with the previous inspector who stated that the continued success of the group in contributing significantly to the setting depends on maintaining the strong degree of architectural and visual unity of the group.
6. Were the condition to be removed the windows could be replaced by others not in accordance with the character of the site or respecting the setting of the listed buildings, contrary to Policies GDP1 and EC9 of the Wrexham Unitary Development Plan 1996-2011, adopted 2005. I therefore conclude that the condition in dispute is necessary to protect the visual amenities of the area and must be retained.
7. Details of the proposed replacement windows submitted by the appellant subsequent to the condition have been rejected by the Council. The appeal before me concerns the necessity or otherwise of the condition and it is not my role to overturn the Council's decision with regard to the details. In any event, by reason of the somewhat bulky profile indicated in the submitted drawings, I am of the same mind as the Council on this matter.
8. I have noted that the application for the replacement windows was necessary because the planning permission for the original development included a condition removing permitted development rights. In my view the appearance of the building would be materially affected if windows of a different design from the existing were introduced. The proposed replacement windows would be of a high quality and would provide improved insulation, energy efficiency and security. These factors are not sufficient, however, to outweigh the harm that would be caused by the installation of windows of an inappropriate design; such an outcome could result from the removal of the condition.
9. I am aware that nearby occupiers and the management company have no objections to the replacements proposed and that the appellant's neighbours would like to use the same models on their own property. I also saw some of the windows of the listed buildings during my visit and noted their variety. Nevertheless, these do not provide compelling reasons to remove a condition which protects the special character and appearance of the area. I have taken all the matters raised into consideration but have found none which outweigh the harm which might result were the disputed condition to be removed.
10. For the reasons given above I conclude that the appeal should be dismissed.

Siân Worden

Inspector

¹ APP/H6955/E/12/2184822 and APP/H6955/A/13/2196476