



Penderfyniad ar yr Apêl

Ymweliad â safle a wnaed ar 09/12/11

gan David Fitzsimon MRTPI

Arolygydd a benodir gan Weinidogion Cymru

Dyddiad: 11/01/12

Appeal Decision

Site visit made on 09/12/11

by David Fitzsimon MRTPI

an Inspector appointed by the Welsh Ministers

Date: 11/01/12

Appeal Ref: APP/H6955/A/11/2161091

Site address: Land at Princes Road, Rhosllanerchrugog, Wrexham LL14 1AB

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 W Spencer against the decision of Wrexham County Borough Council.
 - The application Ref RHO P/2011/0479, dated 11 July 2011, was refused by notice dated 1 September 2011.
 - The development proposed is the construction of one dormer bungalow.
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Decision

1. The appeal is allowed and planning permission granted for the construction of one dormer bungalow on land at Princes Road, Rhosllanerchrugog, Wrexham LL14 1AB in accordance with the terms of the application, Ref RHO P/2011/0479, dated 11 July 2011, and the plans submitted with it, subject to the conditions contained within the attached Schedule.

Main Issue

2. The main issue in this case is the effect of the development proposed on highway safety.

Reasons

3. The proposal relates to the erection of a dormer bungalow on land which has previously been used as part of a car park in association with a bank which used to operate from No. 28 Market Street. It is located in a road that is home to rows of traditional terraced houses, some detached dwellings of various sizes and styles and a library. The proposed bungalow would sit next to an existing bungalow. The Council raises no concerns in relation to its overall scale, positioning and design and I see no reason to disagree.
 4. The Council's sole point of concern is that of highway safety. It argues that highway visibility at the proposed point of access would be substandard and although the bungalow would have off-street parking, an absence of an on-site turning facility would prevent vehicles from leaving the property in a forward gear, unless first reversed off the highway.
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5. An on-site turning facility is undoubtedly desirable from a highway safety perspective. Nevertheless, I saw from my visit that the adjacent bungalow has off-street parking without a defined turning facility due to the positioning of domestic paraphernalia. In addition, the access to No. 2 Princes Road, on the opposite side of the junction with Beech Avenue, is not served by a turning facility either, whilst the parking spaces which serve the library opposite the appeal site are located at right angles to the highway without turning facilities. Furthermore, from the information I have seen, the permitted scheme for the conversion of 28 Market Street, the former bank, to four flats would see six car parking spaces provided within the hardstanding area immediately to the west of the appeal site, and vehicles using this facility would not be able to turn within the site if each of the six spaces were occupied.
6. This section of the highway is effectively reduced to a single lane due to kerbside parking, which also reduces visibility for vehicles exiting some of the properties I have referred to. This part of Princes Road was not particularly busy at the time of my mid-morning visit, but the motorists I did see were driving at very slow speeds, taking account of the geometry of the road and the conditions that they were facing. This seemed to be an effective form of traffic calming and at the speeds I observed, drivers would have sufficient time to see any vehicle reversing from the site and react accordingly.
7. Finally, there seems to be no dispute that the lawful use of the appeal site is as part of a car park, which served the former bank. Although the Council suggests that it is likely that motorists would have, and could still, leave the site in a forward gear, I consider there to be a realistic possibility that at the busiest of times, some vehicles may have reversed out of this car park and onto Princes Road and the drivers would have been faced with restricted visibility. Moreover, as the Council's Highway Engineer has suggested in raising no objection to the scheme, there is a strong likelihood that the proposed dwelling would generate less vehicle movements than the last use of the site.
8. The combination of the above factors leads me to the conclusion that on balance, although the visibility at the proposed vehicular access is restricted and no turning facility would be provided within the appeal site, the development proposed would not have a significant effect on highway safety. In such terms, I find no conflict with the overall aims of policy GDP1(d) of the adopted Wrexham Unitary Development Plan.

Other matters

9. In reaching my decision, I am mindful that the occupiers of the adjacent bungalow have expressed concerns about the proximity of the proposed dwelling. It would project only a limited distance beyond the rear elevation of this neighbouring bungalow, whose nearside elevation is blank. On this basis, I am satisfied that the development proposed would not have an unacceptable effect on the outlook and levels of privacy and natural light currently enjoyed by its occupiers. Meanwhile, concerns relating to matters such as structural issues and air vents are dealt with by other legislation.

Conditions

10. In addition to the standard condition which limits the lifespan of the planning permission, the Council has suggested several conditions in the event that the appeal is successful. I have considered each in light of the advice contained within Circular 35/95: *The Use of Conditions in Planning Permissions*. I agree that in the main, the suggested highway-related conditions are necessary for reasons of safety. It would not, however, be possible to ensure that the western visibility splay remains free from obstruction, as this includes land outside the boundaries of the application site. Similarly, a condition to ensure that there are no obstructions greater than a metre in height along the frontage of the site would not be effective in reality, given the positioning of the porch of the dwelling, which has a solid eastern side. I shall amend the condition relating to the visibility splay accordingly.
11. Compliance with the Level 3 of the Code for Sustainable Homes is necessary for reasons of environmental sustainability. I also agree that hours of construction should be limited to avoid undue nuisance for nearby residents, although drainage related matters can be adequately addressed by other legislation. Although not suggested by the Council, I also consider it necessary for the external materials of the dwelling to be controlled to ensure a visually acceptable development. This is because no specific details have been provided and I am satisfied that such a condition would not cause an injustice to the appellant in any way.
12. In allowing the appeal, I shall impose conditions accordingly, improving precision and avoiding duplication where necessary.

David Fitzsimon

INSPECTOR

SCHEDULE OF CONDITIONS (1 page)

- 1) The development hereby permitted shall begin not later than five years from the date of this decision.
- 2) The dwelling hereby permitted shall not be occupied until its vehicular access and parking area has been surfaced and drained in accordance with a specification first submitted to and agreed in writing by the local planning authority. The parking area shall not thereafter be used for any purposes other than the parking of vehicles.
- 3) There shall be no gates or other means of enclosure across the vehicular access point within 5 metres of the highway boundary.
- 4) Notwithstanding the details shown on Drawing No. C726/08 Rev. B, the dwelling hereby permitted shall not be occupied until details of the means of enclosure of the front and western boundaries of the site have been submitted to and approved in writing by the local planning authority. Development shall take place in accordance with the approved details and no structure, erection or landscaping exceeding 1 metre in height shall be placed or allowed to grow within the areas included within sight lines shown on Drawing No. C726/08 Rev. B which lie within the application site itself.
- 5) All works in relation to the implementation of this planning permission, including deliveries to and from the site shall be undertaken only between the hours of 07.30 to 18.00 Monday to Friday and 08.00 to 14.00 on Saturdays and at no time on Sundays and Bank Holidays.
- 6) No development shall take place until an '*Interim Certificate*' has been submitted to and approved in writing by the local planning authority certifying that a minimum Code for Sustainable Homes Level 3 and a minimum of 1 credit under '*Ene 1- Dwelling Emission Rate*' has been achieved in accordance with the requirements of the Code for Sustainable Homes: Technical Guide Version 3 November 2010 (as updated). The dwelling shall not be occupied until a '*Final Certificate*' verifying that the above standards have been achieved has been submitted to and approved in writing by the local planning authority.
- 7) No development shall take place until samples of the materials to be used in the construction of the external surfaces of the dwelling hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.