



Penderfyniad ar yr Apêl

Ymweliad â safle a wnaed ar 20/06/11

gan Gareth A. Rennie MRTPI FRGS

Arolygydd a benodir gan Weinidogion Cymru

Dyddiad: 19-10-11

Appeal Decision

Site visit made on 20/06/11

by Gareth A. Rennie MRTPI FRGS

an Inspector appointed by the Welsh Ministers

Date: 20-10-11

Appeal Ref: APP/H6955/A/11/2151149

Site address: plot adjacent to 10 Acton Gate, Acton, Wrexham, LL11 2PN

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 outline planning permission.
 - The appeal is made by the executors of the late Mrs M Russel against the decision of Wrexham County Borough Council.
 - The application Ref:- P/2010/0937, dated 8 November 2010, was refused by notice dated 25 January 2011.
 - The development proposed is residential development (2 no. Dwellings).
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This decision is issued in accordance with Section 56(2) of the Planning and Compulsory Purchase Act 2004 and supersedes that issued on 13 June 2011.

Decision

1. The appeal is allowed and planning permission is granted for residential development (2 no. dwellings) at the plot adjacent to 10 Acton Gate, Acton, Wrexham, LL11 2PN in accordance with the terms of the application, Ref:- P/2010/0937, dated 8 November 2010, and the plans submitted with it, subject to the following conditions:
 - 1) Details of the appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.
 - 2) The development hereby permitted shall begin either before the expiration of five years from the date of this permission or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.
 - 3) Application for approval of the reserved matters shall be made to the local planning authority not later than three years from the date of this permission.
 - 4) No building hereby permitted shall be occupied until surface water drainage works have been implemented in accordance with details that have been submitted to and approved in writing by the local planning authority. Before these details are submitted an assessment shall be carried out of the potential for disposing of surface water by means of a sustainable drainage system in accordance with the principles set out in Appendix 4 of TAN 15 (or any subsequent version), and the results of the assessment provided to the local

planning authority. Where a sustainable drainage scheme is to be provided, the submitted details shall:

- i) provide information about the design, storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters;
 - ii) include a timetable for its implementation; and provide a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.
- 5) The development shall be carried out in strict accordance with the Arboricultural Impact Assessment ref: 10/AIA/WXM/44
 - 6) Development shall not begin until details of the junction between the proposed service road and the highway, areas for parking of vehicles and for the loading and unloading of vehicles, and for vehicles to turn so that they may enter and leave the site in forward gear have been submitted and approved in writing by the local planning authority.
 - 7) No dwellings shall be occupied until the junction, service road, parking and turning areas and parking spaces have been constructed in accordance with the approved details. No dwellings shall be occupied until the parking areas have been laid out within the site for cars to be parked in accordance with the approved details.
 - 8) The existing vehicular access to the development site and the rear of No. 10 Acton Gate shall be permanently closed up and the adjoining footway reinstated to a full height footway prior to first use of the new vehicular access hereby permitted. This shall be completed in accordance with details that shall have been submitted to and approved in writing by the local planning authority. Thereafter there shall be no means of vehicular access to the site other than the one hereby approved.
 - 9) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no fences, gates or walls shall be erected, constructed or placed across the access within 5 metres of the highway boundary.
 - 10) The dwellings hereby permitted shall be constructed to achieve a minimum Code for Sustainable Homes Level 3 and achieve 6 credits under category Ene 1 in accordance with the requirements of Code for Sustainable Homes that was applicable when the site was registered – Version 2 (May 2009).
 - 11) No development shall begin until details of a 'Design Stage' assessment and related certification have been submitted to and approved in writing by the Local Planning Authority to demonstrate that each dwelling hereby permitted will achieve a minimum Code for Sustainable Homes Level 3 and achieve 6 credits under category Ene 1 in accordance with the requirements of Code for Sustainable Homes that was applicable when the site was registered – Version 2 (May 2009). The development shall be carried out entirely in accordance with

the approved assessment and certification unless the local planning authority shall otherwise consent in writing.

- 12) The dwellings hereby permitted shall not be occupied until a Code for Sustainable Homes 'Post Construction Stage' assessment has been carried out in relation to it, a Final Code Certificate' has been issued for it certifying that Code Level 3 and 6 Credits under Ene 1 have been achieved and the certificate has been submitted to and approved in writing by the local planning authority.

Procedural matter

2. The application is for outline permission with all matters except for access reserved, and I have proceeded on that basis.

Main Issue

3. The main issue in this case is the effect of the proposal on the character and appearance of the surrounding area.

Reasons

4. No 10 Acton Gate is a large detached house close to the junction of Acton Gate with Sandway Road. The area is typified by quite narrowly separated detached houses with reasonably large gardens especially to the rear. The appeal property sits within an enclave of such development bounded by Acton Gate/Sandway Road and the A5152 Chester Road. By and large these houses have a direct relationship to these roads with an area of open space in the centre. This group of houses is punctuated by St Michael's Church which sits in the centre and has access to Chester Road.
5. There is a degree of consistency between the houses fronting the roads in terms of their scale and orientation. However, the character of the wider area is a function of the variety in houses, garden size and boundary treatments, rather than any recognisable pattern of development or garden size. The proposed houses would represent backland development which is not a feature of the area. Even so, they would have a distinct and separate access to Acton Gate and would relate well to the church and surrounding open space. Overall they would have the appearance of a small estate of houses leading off Acton Gate and would not have a contrived or overdeveloped character.
6. The rear and side garden of No. 10 is very large, and considerably larger than the surrounding gardens. The proposed houses would sit well within it. They would reflect some the scale and mass of the surrounding houses and would retain a significant amount of open space. There is considerable variation in plot size in the immediate area and the proposed plot sizes would not appear unusual. This would retain the sense of spaciousness despite the backland position.
7. The position of No 10, its detached nature, and its unusually large plot means that the loss of garden area would be unlikely to have an immediate impact on the character of the surrounding area. The portion of garden that is to be retained reflects the pattern of development in the area and the relationship between its built elements and the intervening open spaces.
8. I conclude, therefore, that the proposal is in accordance with policies PS2, PS4 and GDP1 of the Wrexham Unitary Development Plan. These policies seek to ensure that new developments accord with the character of the site, the townscape, and the

existing settlement pattern, and make a positive contribution to the appearance of the locality.

9. Moreover, national planning guidance in Planning Policy Wales advises that local authorities should make the most efficient use of urban land, and I consider that the proposals would also contribute to that. Concern has been expressed about the impact on the privacy in the rear gardens of adjacent properties. I consider that there is sufficient separation between the proposed properties and adjacent gardens to prevent harmful overlooking.
10. There are a number of trees within the site that make a significant contribution to the character of the area and an Arboricultural Impact Assessment has been submitted which outlines means of protection for these trees. I have included a condition that requires adherence to the recommendations of this report in order to protect the character and appearance of the area. Conditions have also been included to secure a sustainable drainage scheme to ensure effective and sustainable drainage of the site. A number of conditions have also been included in the interests of road safety to secure appropriate access and parking arrangements, and the closing up of the existing access to No.10. I have also removed permitted development rights for gates and other means of enclosure close to the access for the same reasons.
11. I have also included conditions to secure an appropriate level under the Code for Sustainable Homes and an appropriate Dwelling Emission Rate in accordance with current Welsh Government advice.
12. Consequently for the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be allowed.

Gareth A. Rennie

Inspector