

Yr Arolygiaeth Gynllunio, Adeilad y Goron,
Parc Cathays, Caerdydd CF10 3NQ
☎ 029 20823889 Ffacs 029 2082 5150
e-bost wales@planning-inspectorate.gsi.gov.uk



The Planning Inspectorate, Crown Buildings,
Cathays Park, Cardiff CF10 3NQ
☎ 029 20823889 Fax 029 2082 5150
email wales@planning-inspectorate.gsi.gov.uk

Penderfyniad ar yr Apêl

Ymweliad â safle a wnaed ar 06/02/09

Appeal Decision

Site visit made on 06/02/09

gan/by Geraint Rees BA(Hons) Dip TP MRTPI

Arolygydd a benodwyd gan y Gweinidog
dros yr Amgylchedd, Gynaliadwyedd a
Thai, un o Weinidogion Cymru

an Inspector appointed by the Minister for
Environment, Sustainability and Housing,
one of the Welsh Ministers

Dyddiad/Date 16/02/09

Appeal Ref: APP/H6955/A/08/2088664

Site address: Fieldside, Burton, Rossett, Wrexham LL12 0HT

The Minister for Environment, Sustainability and Housing has 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 Scott Davies & Miss K Edwards against the decision of Wrexham County Borough Council.
- The application Ref [P/2008/0185], dated 21/02/08, was refused by notice dated 28/04/08.
- The development proposed is two storey bedroom extension and ground floor kitchen extension.

Decision

1. The appeal is dismissed

Reasons

2. The appeal property is one of a pair of semi-detached dwellings lying at the western end of a small group of dwellings and farm outbuildings in the open countryside. Although the two storey extension would be set back about 0.5m from the main house frontage and would be at a slightly lower height than the existing roof ridge, the side and rear ground floor extensions would effectively wrap around the side and rear of the dwelling, resulting in almost doubling the floor space of the house. In my opinion therefore the development would amount to a substantial enlargement of a modest dwelling.
3. While the Council is not opposed in principle to alterations and extensions to dwellings in the countryside in allowing an increase up to a third in the floor space of existing dwellings, I consider that the proposal would not be subsidiary to the parent dwelling, however sympathetically designed the new component. The proposed elongated two storey side extension would be viewed across open farmland from the higher ground to the west on Croes Howell Hill. In my opinion the enlargement of the dwelling would have an unacceptably adverse impact on the Special Landscape Area (SLA), notwithstanding the background formed by nearby dwellings and farm buildings. Accordingly, the proposal would be contrary

to policy EC5 of the Wrexham Unitary Development Plan to protect the SLA and to policy EC1 to maintain the open character of the green barrier.

4. My attention is drawn to a two storey extension to the adjoining semi-detached house. While details have not been provided, I observed that this has significantly less impact than the proposed extension, as it is not easily viewed, and is more closely related to the neighbouring group of buildings.
5. With regard to access and parking, the existing block plan layout appears to indicate that there is room for the parking and turning of vehicles for the existing house, including an area to the rear. This is not borne out by my inspection of the site as the rear garden is enclosed, with vehicles parked at the front of the house. This parking area has been recently created by demolishing a front wall to replace a small lay-by in the front section of the curtilage adjacent to the highway carriageway. While the highway authority indicates that standard size cars would be unable to enter and leave the property in forward gear onto a busy highway with traffic moving at high speeds, my view is that the issue here is whether the arrangement now in place would be inherently more hazardous than the previous situation. It seems to me that the use of the lay-by for parking would have been equally fraught given the limited visibility for exiting vehicles in a westward direction and the constrained nature of the facility. It has also to be borne in mind that the proposal would not generate additional traffic.
6. In the circumstances, I consider that it would be unreasonable to withhold planning permission on this count. Nevertheless there is a sufficiently compelling case to justify dismissing the appeal on the harmful visual impact of the proposal.

Geraint Rees

INSPECTOR



Our Complaints Procedures

Complaints

We try hard to ensure that everyone who uses the appeal system is satisfied with the service they receive from us. Planning appeals often raise strong feelings both for and against and it is inevitable that there will be at least one party who will be disappointed with the outcome of an appeal. This often leads to a complaint, either about the decision itself or the way in which the appeal was handled.

Sometimes complaints arise due to misunderstandings about how the appeal system works. When this happens, we will try to explain things as clearly as possible.

Sometimes the appellant, the council or a local resident may have difficulty accepting a decision simply because they disagree with it.

Although we cannot re-open an appeal to re-consider its merits or add to what the Inspector has said, we will answer any queries about the decision as fully as we can.

Sometimes a complaint is not one we can deal with (for example, complaints about how the council dealt with another similar application), in which case we will explain why, and suggest who may be able to deal with the complaint instead.

How we investigate complaints

Inspectors have no further direct involvement in the case once their decision is issued and it is the job of our Complaints Officer to investigate complaints about decisions or an Inspector's conduct. We appreciate that many of our customers will not be experts on the planning system and for some, it will be their one and only experience of it. We also realise that your opinions are important and may be strongly held.

The Complaints Officer for Wales works independently of all our casework teams. This ensures that all complaints are investigated thoroughly and impartially, and that we reply in clear, straightforward language, avoiding jargon and complicated legal terms. We aim to give you a full reply within three weeks wherever possible.

When investigating a complaint, we may need to ask the Inspector for his or her comments. This helps us to gain as full a picture as possible so that we are better able to decide whether an error has been made. If this is likely to delay our full reply, we will quickly let you know.

What we will do if we have made a mistake

Although we aim to give the best service possible, we know that there will unfortunately be times when things go wrong. If a mistake has been made we will write to you explaining what has happened and offer our apologies. The Inspector concerned will be told that the complaint has been upheld.

We also look to see if lessons can be learned from the mistake, such as whether our procedures can be improved upon. Training may also be given so that similar errors can be avoided in future.

Minor slips and errors may be corrected under the terms of the Planning & Compulsory Purchase Act 2004 but we cannot amend or change in any way the substance of an Inspector's decision.

Who checks our work?

The Government have said that that 99% of our decisions should be free from error and has set up an independent body called the Advisory Panel on Standards (APOS) to report to them on our performance. APOS regularly examines the way we deal with complaints and we must satisfy them that our complaints procedures are fair, thorough and prompt.



Taking it further

If you are not satisfied with the way we have dealt with your complaint, you can contact the Public Services Ombudsman for Wales, who can investigate complaints of maladministration against Welsh public bodies.

If your complaint is against a government department or national public body the Parliamentary Commissioner for Administration may be able to help you (often referred to as the 'Ombudsman'). If you decide to go to this Ombudsman, you must do so through an MP. Again, the Ombudsman cannot change the decision.

Frequently asked questions

"Can the decision be reviewed if a mistake has happened?" – Although we can rectify minor slips, we cannot reconsider the evidence the Inspector took into account or the reasoning in the decision. This can only be done following a successful High Court challenge. The enclosed High Court leaflet explains more about this.

"If you cannot change a decision, what is the point of complaining?" – We are keen to learn from our mistakes and try to make sure they do not happen again. Complaints are therefore one way of helping us improve the appeals system.

"Why did an appeal succeed when local residents were all against it?" – Local views are important but they are likely to be more persuasive if based on planning reasons, rather than a basic like or dislike of the proposal. Inspectors have to make up their own minds whether these views justify refusing planning permission.

"How can Inspectors know about local feeling or issues if they don't live in the area?" – Using Inspectors who do not live locally ensures that they have no personal interest in any local issues or any ties with the council or its policies. However, Inspectors will be aware of local views from the representations people have submitted.

"I wrote to you with my views, why didn't the Inspector mention this?" – Inspectors must give reasons for their decision and take into account all views submitted, but it is not necessary to list every bit of evidence.

"Why did my appeal fail when similar appeals nearby succeeded?" – Although two cases may be similar, there will always be some aspect of a proposal which is unique. Each case must be decided on its own particular merits.

"I've just lost my appeal, is there anything else I can do to get my permission?" – Perhaps you

could change some aspect of your proposal to increase its acceptability. For example, if the Inspector thought your extension would look out of place, could it be re-designed to be more in keeping with its surroundings? If so, you can submit a revised application to the council. Talking to their planning officer about this might help you explore your options.

"What can I do if someone is ignoring a planning condition?" – We cannot intervene as it is the council's responsibility to ensure conditions are complied with. They can investigate and have discretionary powers to take action if a condition is being ignored.

(6/05)

Further information

Every year, we publish a Business and Corporate Plan which sets out our plans for the following years, how much work we expect to deal with, and how we plan to meet the targets which Ministers set for us. At the end of each financial year, we publish our Annual Report and Accounts, which reports on our performance against these targets and how we have spent the funds the Government gives us for our work. You can view these and obtain further information by visiting our website (see 'Contacting us'). You can also get booklets which give details about the appeal process by phoning our enquiries number.

You can find the latest Advisory Panel on Standards report either by visiting our website or on the ODPM website - www.odpm.gov.uk/

Contacting us

The Planning Inspectorate
Room 1-004
Cathays Park
Cardiff CF1 3NQ

Phone: 0292 082 3866

E-mail: Wales@pins.gsi.gov.uk

Website

www.planning-inspectorate.gov.uk

Public Services Ombudsman for Wales

1 Ffordd yr Hen Gae
Pencoed
CF35 5LJ

Tel 0845 601 0987 (local call rate)

Fax 01656 641199

Website: www.ombudsman-wales.org.uk

E-mail: ask@ombudsman-wales.org.uk