



Penderfyniad ar Apêl

Ymweliad safle a wnaed ar 21/12/10

**gan Emyr Jones BSc(Hons) CEng
MICE MCMI**

Arolygydd a benodir gan Weinidogion Cymru

Dyddiad: 11/01/11

Appeal Decision

Site visit made on 21/12/10

**by Emyr Jones BSc(Hons) CEng MICE
MCMI**

an Inspector appointed by the Welsh Ministers

Date: 11/01/11

Appeal Ref: APP/H6955/A/10/2138638

**Site address: Penycae Convenience Store, Liverpool House, Hall Street, Penycae,
Wrexham LL14 2RT**

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 K Chandrakumar against the decision of Wrexham County Borough Council.
- The application Ref P/2010/0298, dated 12 April 2010, was refused by notice dated 18 May 2010.
- The development proposed is the formation of a new single storey storage facility to the rear of the premises.

Decision

1. I dismiss the appeal.

Procedural matter

2. During the site visit I noted that the site boundary is incorrectly depicted on the OS based site plan. Nonetheless, I do not consider that this error has caused any prejudice because the boundary is correctly drawn on the larger scale plans incorporated in drawing Nos. K1/9A and K1/11A.

Main Issues

3. I consider the main issues in this case to be the effect of the proposal on the living conditions of neighbouring residential occupiers with particular regard to the provision of natural lighting and visual impact, and the effect of vehicular movements likely to be generated by the proposal on highway safety on Hall Street.

Reasons

4. To protect residential amenity *Local Planning Guidance Note No 21: Space around Dwellings* requires a minimum separation of 13m between a window in a habitable room and a blank wall the height of which exceeds the top of the window. At 2.6m or so in height the proposed building would be higher than the top of ground floor habitable room windows in the rear elevation of Cantre'r Gwaelod immediately next door and only around 10m away at its closest point, thereby conflicting with the above guidance. However, this separation and the single-storey flat-roofed nature of the proposal would be sufficient to ensure that there would be no appreciable loss of natural lighting to any habitable rooms in Cantre'r Gwaelod.

5. Nonetheless, notwithstanding the intervening approximately 1.8m high timber boundary fence, when viewed in conjunction with the previous two-storey extension to the convenience store, the proposal would result in users of the fairly restricted rear garden to Cantre'r Gwaelod feeling hemmed. It would also have an overbearing impact when viewed from Cantre'r Gwaelod. This would harm the living conditions of the occupiers of that dwelling and, as a result, the proposal conflicts with *Wrexham Unitary Development Plan* (UDP) policy GDP1.
6. The part of Hall Street fronting the appeal site is subject to a no waiting restriction but loading or unloading is not prohibited. Although a previous application relating to this site indicated that delivery vehicles use the rear of the premises for the unloading of goods, there is no substantive evidence that this takes place and I observed a bread delivery being made from the street at the time of my accompanied visit.
7. The proposal would encourage delivery drivers to unload at the rear of the premises. That would require them to exit the site at a point where visibility falls well below recognised standards to the detriment of highway safety. Even if some deliveries are currently made to the rear of the premises, the increased frequency likely to result from the proposal would intensify the use of this egress point. Furthermore, the proposal would leave insufficient space for a commercial vehicle to turn within the site. This would result in vehicles manoeuvring on Hall Street through having to either reverse into or out of the site thereby adding to the harm to highway safety. If on the other hand all deliveries were made from the street, the increased frequency and/or duration of stay through the use of larger vehicles likely to result from the proposal would create more obstruction and conflict with other users that would be prejudicial to highway safety.
8. As a result, vehicular movements likely to be generated by the proposal would be harmful to highway safety on Hall Street and the proposal conflicts further with UDP policy GDP1.
9. The Council notes that the proposal would also represent a loss of customer, staff and residential parking the existence of which was considered important when granting planning permission Ref. P/2009/0013. Whilst limited staff/residential parking would remain the Design and Access Statement notes that there is no provision for customer car parking either before or after the development. In any event, that would also entail the use of an access with poor visibility when emerging onto Hall Street and should not be encouraged.
10. An interested person is concerned about the operation of fans at the convenience store, but that lies outside my jurisdiction as I have only been appointed to determine this appeal which relates to a proposed storage facility. I appreciate that the appellant has made a considerable investment in the business, but that is not sufficient reason to outweigh the harm and conflict with the statutory development plan identified against both main issues.

Overall conclusion

11. For the reasons given above I conclude that the appeal should be dismissed.

E Jones

Inspector