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## Penderfyniad ar Apêl

Gwrandawriad a gynhaliwyd ar 23/03/11  
Ymweliad safle a wnaed ar 23/03/11

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

**Arolygydd a benodir gan Weinidogion Cymru**  
**Dyddiad: 07/04/11**

## Appeal Decision

Hearing held on 23/03/11  
Site visit made on 23/03/11

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

**an Inspector appointed by the Welsh Ministers**  
**Date: 07/04/11**

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**Appeal Ref: APP/H6955/A/10/2142628**

**Site address: Grenville Terrace, Station Road, Ruabon, Wrexham LL14 6DL**

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| <b>The Welsh Ministers have transferred the authority to decide this appeal to me as the appointed Inspector.</b> |
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- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for outline planning permission.
  - The appeal is made by Sir Watkin Williams Wynn against Wrexham County Borough Council.
  - The application, Ref P/2010/0363, is dated 12 April 2010.
  - The development proposed is the demolition of the existing terrace and redevelopment of the site for residential development (9 dwellings).
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### Decision

1. At the Hearing an application for costs was made by Sir Watkin Williams Wynn against Wrexham County Borough Council. This application is the subject of a separate Decision.
2. I dismiss the appeal and refuse planning permission for the demolition of the existing terrace and redevelopment of the site for residential development (9 dwellings).

### Procedural and Background Matters

3. The description of the proposal given on the application is 'demolition of existing terrace and erection of twelve dwelling houses together with associated parking and access'. At the Council's request the appellant reluctantly agreed to change this to 'the demolition of the existing terrace and redevelopment of the site for residential development', with no reference to the number of dwellings. This was subsequently changed again to that given in the above bullet point.
4. Although the appeal relates to an outline application with all matters reserved, *The Town and Country Planning (General Development Procedure) (Amendment) (Wales) Order 2008* requires such applications to be accompanied by a minimum level of information. In this case, that information was contained in the *Design and Access Statement* (DAS) and accompanying indicative layout. During the determination process, the appellant submitted a revised DAS and an amended indicative layout which show a residential development of 9 dwellings comprising a mix of terraced, semi-detached and detached units and I will determine the appeal on that basis.

5. Grenville Terrace, along with the later 20<sup>th</sup> Century dwellings between it and Station Road, were taken out of the Ruabon Conservation Area in February 1998 and that was the position at the time the application was submitted. However, the Conservation Area was extended to include the terrace and the stone boundary walls to both sides of the B5605 in December 2010. This is not something which can be challenged through a Section 78 appeal and in determining the appeal I am bound by the statutory duty to pay special attention to the desirability of preserving or enhancing the character or the appearance of the Conservation Area as it stands at the time of my decision.
6. Although the appeal relates to non-determination, the Council's Hearing Statement gives two reasons as to why the proposal cannot now be favourably considered. The second being that a grant of planning permission would pre-judge the outcome of an application for Conservation Area Consent to demolish the terrace. National planning policy in *Planning Policy Wales* (PPW) states that it is generally preferable for related applications for planning permission and conservation area consent to be considered concurrently. Nevertheless, they involve two separate legislative regimes and there is no statutory requirement for both applications to be submitted at the same time or either to be submitted before the other is determined.

### **Main Issue**

7. I consider the main issue in this case to be the effect of the proposal on the character and appearance of the Ruabon Conservation Area.

### **Reasons**

8. The terraced style of development and un-coursed sandstone found in the front elevation and south western gable are characteristic of the more historic development within the village. The adopted *Ruabon Conservation Area Character Assessment & Management Plan* makes reference to the various attributes from which the character of the area is derived, including Terraced Properties and Front Gardens. Whilst the four cottages at Grenville Terrace are well set back from the B5605, the above document indicates that a particular characteristic is that many cottages especially those at Paddock Row, Grenville Terrace and Mount Pleasant have long narrow gardens stretching out from their frontages thereby softening the streetscene.
9. The appellant draws attention to the screening effect of the hedge on the roadside boundary as well as the poorly designed brick extensions to the rear and the variety of materials for the doors and windows which are out of keeping with buildings within a conservation area. Nevertheless, the screening has only arisen because the hedge has been allowed to overgrow and there are comparable negative features on other dwellings in the designated area, including those at Paddock Row and Mount Pleasant.
10. For the above reasons, and notwithstanding Cadw's view that the terrace is not of architectural merit, I conclude that Grenville Terrace makes a positive contribution to the unique character of the Conservation Area as a whole. The *Wrexham Unitary Development Plan* (UDP), as well as PPW and Circular 61/96 on *Planning and the Historic Environment: Historic Buildings and Conservation Areas*, include a general presumption in favour of retaining such buildings. The proposal is contrary to this general presumption.
11. Be that as it may, the statutory duty could be satisfied by a development which had a neutral or positive effect on the Conservation Area as a whole. Furthermore, a residual valuation has demonstrated that renovation and subsequent sale of the

terrace would incur a slight loss. That is a material consideration which weighs in favour of redeveloping the site along with the current unsatisfactory access and parking arrangements.

12. UDP paragraph 5.9 states that outline planning permission will not be granted for development in conservation areas; the Council will require detailed plans of proposals, including elevations, which show the proposed development in its setting. This is supported by the Council's *Local Planning Guidance Note No. 4: Conservation Areas* (LPGN 4), which states that detailed plans are always required for new development, and PPW which notes that consideration of proposals for development in a conservation area should be made on the basis of a full, rather than an outline, consent.
13. The proposal clearly conflicts with the UDP, LPGN 4 and PPW in this respect; although the application was submitted before the site was included in the designation. Nonetheless, that is not sufficient reason to set aside the provisions of the statutory development plan. Furthermore, I am unable to fully assess the impact of the proposal on the character and the appearance of the Conservation Area without detailed plans, although the extent of access and parking areas to the front of plot Nos. 1 to 6 is a concern.
14. For the reasons given above I conclude that the appeal should be dismissed.

*E Jones*

Inspector

## APPEARANCES

### FOR THE APPELLANT:

|               |                  |
|---------------|------------------|
| Mrs C Sussums | Carter Jonas LLP |
| Mr E Sample   | Carter Jonas LLP |
| Mr R Collins  | Carter Jonas LLP |

### FOR THE LOCAL PLANNING AUTHORITY:

|                |                                |
|----------------|--------------------------------|
| Mr S Greenland | Wrexham County Borough Council |
| Miss A Irwin   | Wrexham County Borough Council |

### INTERESTED PERSONS:

|                |                |
|----------------|----------------|
| Mrs P A Taylor | Local resident |
| Mrs P A Davies | Local resident |
| Mrs J Williams | Local resident |

## DOCUMENTS

- 1 Letter from Mrs Davies
- 2 Extract from Conservation Area Character Assessment & Management Plan
- 3 Plan of Conservation Area showing location of Mount Pleasant and Paddock Row
- 4 Appellant's Costs Application
- 5 Council's Response to above