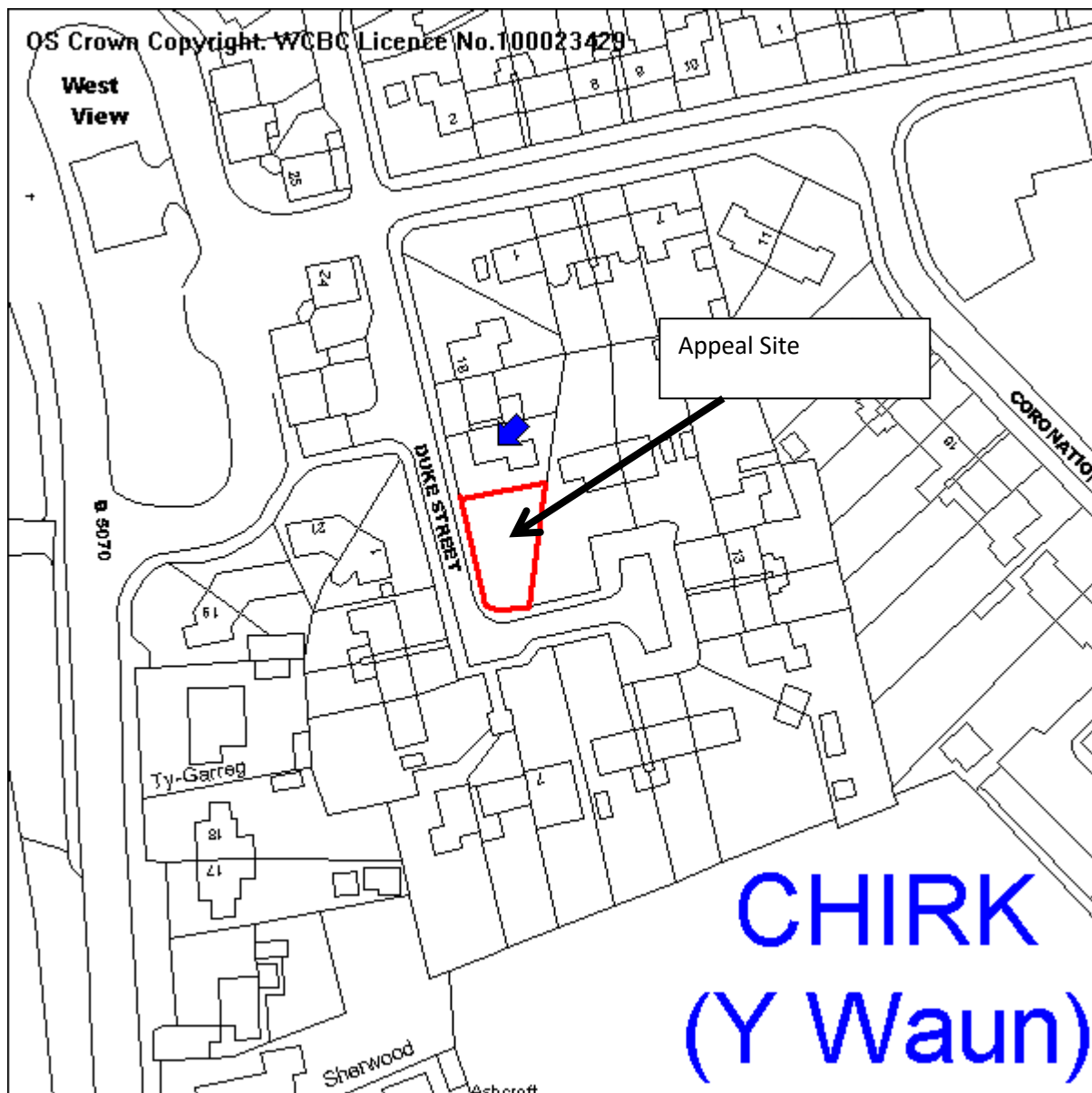


**TOWN AND COUNTRY PLANNING ACT 1990 SECTION 78 APPEAL AT
LAND AT 17 DUKE STREET, CHIRK, WREXHAM**

COUNCIL'S STATEMENT OF CASE

**PLANNING REF: P/2021/0012
PINS REF: APP/H6955/A/21/3273501**

1.0 THE SITE



2.0 PROPOSAL

- 2.1 Outline permission is sought for a two storey single dwelling. All matters are reserved for subsequent approval.

3.0 DEVELOPMENT PLAN

- 3.1 The site lies inside a settlement limit in the Wrexham Unitary development Plan. Policies PS2, H2, GDP1 and T8 apply.

4.0 COUNCIL'S CASE

- 4.1 The site lies inside of a settlement limit, under policy H2 the proposal would be acceptable in principle subject to compliance with policy GDP1. Policy GDP1 is set out in 11 points. The proposal is considered to conflict with point GDP1 (a). This policy ensures that built development in its scale, design and layout, and in its use of materials and landscaping, accords with the character of the site and makes a positive contribution to the appearance of the locality.
- 4.2 The proposal is considered to conflict with policy GDP1 for the following reason:
- The proposed dwelling by reason of its massing, location and appearance would be visually incongruous and would fail to satisfactorily relate to neighbouring properties to the harm of the established street scene. The development is not considered to make a positive contribution to the appearance of the locality or accord with the character of the site.
- 4.3 The council acknowledges that the proposal is for outline permission with all matters reserved, however, it must be satisfied that a dwelling could be accommodated on the proposed plot of land. When considering the constrained nature of the site, is not considered that the plot would lend itself to the development of a single dwellinghouse. The scale of the development is considered to appear at odds with the prevailing character of the immediate vicinity and the pattern of development on this particular street. Additionally, it is considered that the development would fundamentally alter the appearance of the street where the garden currently contributes to the sites open character. In contrast, the resultant development due to the prominence of the plot would dominate the street frontage. It is considered that the development would not make a positive contribution to the appearance of the locality or accord with the character of the site and consequently it is considered to fail to meet the objectives of policy GDP1.

5.0 COMMENTS ON GROUNDS OF APPEAL

- 5.1 In paragraph 1 of the appellant's statement of case the applicant has stated that similar proposals had been approved in the locality. However, these details had not been presented within the planning application submission and neither have these details been presented as part of this appeal. The appellant has referred to broad areas within Chirk and has failed to identify specific plots or provide specific planning reference numbers. The applicant has referred to the Highfields, Chapel Lane and Maes y Waun areas of Chirk. In the absence of further detailed information the council would like to stress that every application is assessed on its own merits and within its own particular context. It is, however, noted that dwellings and street frontages in the areas listed above do differ in terms of design, layout and scale than the proposal site. The council therefore maintains its stance set out above and within the Officers Report.
- 5.2 In response to paragraph 2 of the appellant's statement, the council maintains its stance on the potential impact the dwelling would have on the street scene.

A dwelling on this site would project forward of no. 16 and would therefore be at odds with the pattern of development of this particular street. The council maintains its stance that a dwelling in this particular location would occupy a highly prominent plot of land within the centre of Duke Street which would consequently detract from the existing open character of the plot.

- 5.3 In response to paragraph 3, the case officer did not consider that the proposal could be amended to meet the aims and objectives of policy GDP1. Whilst the detailed design of the proposal is a reserved matter the council must be satisfied that a dwelling of the scale proposed has the potential to meet the aims and objectives of policy GDP1. It had been considered that the site would be unsuitable for a dwelling at the scale proposed. Additionally, having due regard of the pattern of development on this street, it had been considered that a dwelling reduced in scale would also unlikely meet the objectives of the above mentioned policy and as such amendments were not sought.
- 5.4 It is not considered that the contribution of a single dwelling house to dwelling numbers within the county outweighs the harm setout above and within the Officers Report.

6.0 CONCLUSION

- 6.1 The grounds of appeal put forward by the appellant have failed to detract from the Council's decision that the proposed development should be refused planning permission. The Council therefore urges the inspector to uphold the Council's decision and dismiss the appeal.
- 7.2 Notwithstanding the above, should the inspector be minded to allow the appeal, the Council recommends conditions.

SCHEDULE OF SUGGESTED CONDITIONS

Conditions

1. Approval of the following details shall be obtained from the Local Planning Authority before any part of the development is commenced:
 - a. the layout of the building(s)
 - b. the scale of the building(s)
 - c. the appearance of the building(s)
 - d. the means of access to the site and building(s)
 - e. the landscaping of the site.
2. Plans and particulars of the reserved matters referred to in condition 1 (above) shall be submitted in writing to the Local Planning Authority before the expiry of three years from the date of this permission. The development shall only be carried out in strict conformity with such details as are approved.
3. The development hereby approved shall be commenced before the expiry of five years from the date of this permission or before the expiry of two years

from the date of approval of the last of the reserved matters required to be approved, whichever is the later.

4. No surface water from any increase in the roof area of the building /or impermeable surfaces within its curtilage shall be allowed to drain directly or indirectly to the public sewerage system.
5. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking, re-enacting that Order with or without modification), no further development shall take place under Classes A, B, C, D and E of Schedule 2 Part 1.

Reasons

1. To comply with the provisions of the Town and Country Planning (Development Management Procedure) (Wales) Order 2012
2. To comply with Section 92 of the Town and Country Planning Act, 1990.
3. To comply with Section 92 of the Town and Country Planning Act, 1990.
4. To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no pollution of or detriment to the environment.
5. Due to the restricted application site and its relationship with adjoining properties it is considered important to ensure that no additional development as described in the condition is carried out without the permission of the Local Planning Authority in accordance with Policies GDP1 and PS2 of the Wrexham Unitary Development Plan.