
Penderfyniad ar yr Apêl

Ymweliad â safle a wnaed ar 26/04/21

gan Iwan Lloyd, BA BTP MRTPI

Arolygydd a benodir gan Weinidogion Cymru

Dyddiad: 14/5/21

Appeal Decision

Site visit made on 26/04/21

by Iwan Lloyd, BA BTP MRTPI

an Inspector appointed by the Welsh Ministers

Date: 14/5/21

Appeal Ref: APP/H6955/D/21/3272155

Site address: 15 Stanley Street, Hightown, Wrexham, LL13 8NU

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 Roger Hughes against the decision of Wrexham County Borough Council.
 - The application Ref: WRC P/2020/0616 dated 1 August 2020, was refused by notice dated 12 January 2021.
 - The development proposed is wood frame 3m wide x 4m long with sloping roof 3m at highest point comprised of Perspex sheets (clear).
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Decision

1. The appeal is allowed, and planning permission is granted for wood frame 3m wide x 4m long with sloping roof 3m at highest point comprised of Perspex sheets (clear) at 15 Stanley Street, Hightown, Wrexham, LL13 8NU in accordance with the terms of the application, Ref: WRC P/2020/0616 dated 1 August 2020, and the plans submitted with it.

Procedural matters

2. The development has already been carried out and the frame and roof are in place. However, I am advised and having seen the development the frame is now clad in timber with a side boarded door. This does not comprise the application considered by the local planning authority and at the point when the appeal was received and therefore cannot be accepted¹. The decision made on an appeal must always be made in respect of the proposal and plans considered by the local planning authority. The appeal is therefore determined on the basis of plan number 2020/SS/01 showing the frame and lean-to Perspex sheets.
3. Should the appellant intend to revise the development to incorporate the cladding then this should be achieved by making a new planning application to the local planning authority.

¹ Sections 78(4BA) - (4BB) of the Town and Country Planning Act 1990 and Article 26C of The Town and Country Planning (Development Management Procedure) (Wales) Order 2012

Main Issues

4. The main issues are the effect of the development on the character and appearance of the area, and the effect on the living conditions of nearby residents in relation to outlook.

Reasons

5. The development relates to an opened sided timber frame canopy with a lean-to Perspex roof added onto a rear addition of a mid-terraced property. The development is positioned adjacent to a rear single storey extension of the adjoining property. The development extends marginally beyond next door's extension but is lower than its neighbour's addition at its highest point. The rear area in which the development is located is enclosed by walls and rear yard gates. Access from these gates leads onto a narrow pedestrian alleyway which is enclosed by high walls and adjoining terrace properties.
6. Views of the development is strictly limited by the enclosed yards and there is no discernible visible sight of the frame and roof when standing in the public road. The simple frame construction and roof is seen within the appeal site yard and against the backdrop of existing extensions of the existing property and that of next door's addition. In this context the development does not detrimentally impact on the character and appearance of the area.
7. Policy GDP1(a) of the Wrexham Unitary Development Plan, seeks to ensure that development in terms of scale, design and layout, and materials accords with the character of the site and makes a positive contribution to the appearance of the nearby locality. In relation to the scale and design the development is seen in the context of existing flat roof extensions and is not excessive in size and is lower than its neighbouring addition. The chosen materials are not dissimilar to other garden or yard structures. In my view, in the context of the existing built development and its limited visibility and impact on the public realm the development is nonetheless no worse than surrounding developments in that it accords with the character of the site. In this regard, the development is not conflicting with Policy GDP1(a).
8. Turning to the issue of living conditions the Council has not amplified its concern. It refers to the issue of height and size and proximity to the boundary. In relation to outlook a development may be considered as overbearing where this impinges on the outlook from neighbouring properties. As indicated the extension is no higher and is only marginally longer than its neighbouring property addition. I therefore find that the development does not have an adverse impact on outlook from nearby properties in relation to its height and size as it sits alongside an established rear neighbouring extension.
9. There can be no discernible negative impact on daylight or sunlight values as a result of the development as the rear gardens face east, and these levels would only be affected by the existing built development and not the appeal development itself. In this regard the development would not conflict with Policy GDP1(f) which seeks to ensure the safety and amenity of the public.
10. In relation to the main determining issues, the development does not harm the character and appearance of the area and does not harm the living conditions of nearby residents in relation to outlook.

11. The neighbouring property occupier has raised issues relating to building on the boundary, the party wall and future maintenance concerns, these matters are not within my jurisdiction and are matters outside the scope of this planning appeal.
12. I have considered the duty to improve the economic, social, environmental, and cultural well-being of Wales, in accordance with the sustainable development principle, under section 3 of the Well-Being of Future Generations (Wales) Act 2015 (the WBFG Act). In reaching my decision, I have taken into account the ways of working set out at section 5 of the WBFG Act and I consider that this decision is in accordance with the sustainable development principle through its contribution towards one or more of the Welsh Ministers' well-being objectives set out in section 8 of the WBFG Act.
13. I conclude that the appeal should be allowed. As the development has already been carried out and the operative part of this decision refers to the plans submitted with the application there is no need to include a separate condition specifying the approved plan. No other planning condition has been suggested and none are needed in this instance.

Iwan Lloyd

INSPECTOR